

## LOWNDES COUNTY TIMBER HARVESTING ORDINANCE

**Section 1-Title:** This ordinance shall be known as the Lowndes County Timber Harvesting Ordinance.

**Section 2 -Preamble:** The General Assembly of the State of Georgia having enacted laws set out in O.C.G.A. 12-6-24 effective July 1<sup>st</sup>, 2002, pertaining to authorizing the county governing authority to adopt an ordinance requiring notice of a bond not exceeding \$5000.00 for the harvesting of timber within the unincorporated areas of the county and the governing authority of Lowndes County having found that there is a need for such an ordinance, now therefore the governing authority of Lowndes County hereby enacts this local county ordinance.

**Section 3 – Notice required prior to cutting any timber.** All persons or firms harvesting standing timber in any unincorporated area of Lowndes County for delivery as pulpwood, logs, poles, posts or wood chips to any wood yard or processing plant located inside or outside this state shall provide notice of such harvesting operations to the county governing authority prior to cutting any such timber.

**Section 4 – Prior notice requirements.** Prior written notice shall be required of any person or firm harvesting such timber for each separate tract to be harvested thereby, shall be in such form as prescribed by the Georgia Forestry Commission which 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 purpose 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 the purpose of ad valorem taxation under Code Section 48-5-7.5;
  - c. 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
  - d. The name, business address, business telephone number, and nighttime or emergency telephone number of the person or firm harvesting such timber;
2. Notice may be submitted in person, by transmission of an electronic record via facsimile or such other means as approved by the governing authority, or by mail;

3. The governing authority may require persons or firms subject to such notice requirements 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 or its designated agent a valid surety bond, executed by a surety corporation authorized to transact business in this state, protecting the county or municipality, as applicable, against any damage cause by such person or firm in an amount specified by the governing authority not exceeding \$5000.00 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 Code Section 7-1-4, in the amount of and in lieu of such bond. For purposes of this paragraph, any such surety bond or letter of credit shall be valid only for the calendar year in which delivered;
4. Notice shall be effective for such harvesting operation on such tract within such unincorporated area of the county or incorporated area of the municipality upon receipt of the same by the applicable governing authority or its designated agent and, if applicable, compliance with the requirements of paragraph (3) of this subsection and until such time as the person or firm giving such notice as completed the harvesting operation for such tract; provided, however, that any subsequent change in the facts require to be provided for the purpose of such notice shall be reported to the governing authority or its designated agent within three business days after such change;
5. Notice requirements shall be applicable to any such timber harvested on or After the effective date of the ordinance or resolution adopted pursuant to this Code Section; and
6. Violation of the notice requirements of any ordinance or resolution adopted pursuant to this Code Section shall be punishable by a fine not exceeding \$500.00

**Section 5 – Reiteration of O.C.G.A. 32-6-1**

- a. It shall be unlawful for any person to obstruct, encroach upon, solicit the sale of any merchandise on, or injure materially any part of any public road, for the purpose of this Code Section, the term 'obstruct' shall include without limitation the causing of any build up of rock, gravel, mud, dirt, chemicals, or waters dammed or redirected by diversion to an extent which presents a hazard to the traveling public.
- b. Any person who unlawfully obstructs, encroaches upon, or injures any public road in Lowndes County shall be responsible for reimbursing Lowndes County for the costs of removal of said obstructions or encroachments and the costs of repairs to the public road incurred by Lowndes County, including any costs

associated with traffic management; provided, however, that such costs shall be limited to those costs which are directly incurred from such damages. Costs incurred for traffic management may include, but not be limited to, costs incurred for flagging, signing, or provision of detours, provided that these activities are directly cause by the obstruction, encroachment, or injury to the public road system. The court may, in addition to any other sentence authorize by law, order a person convicted of violating this code section to make such restitution of the offense.

**Section 6 – Severability Provision.**

If any person of this ordinance is held to be valid, the remaining provision shall continue in full force and effect.

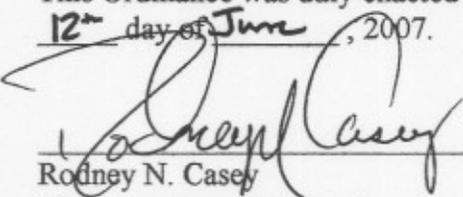
**Section 7 – Applicability of this Ordinance.**

The provisions of this ordinance are in addition to and supplementary to any existing county ordinance and existing laws of this state and shall not be construed to repeal or supersede such existing laws.

**Section 8 – Effective Date.**

This ordinance shall become effective upon the date of enactment of this ordinance, this Ordinance basically reiterating the existing state laws.

This Ordinance was duly enacted by the governing authority of Lowndes County on the 12<sup>th</sup> day of June, 2007.

  
\_\_\_\_\_  
Rodney N. Casey  
Chairman Lowndes County  
Board of Commissioners

ATTEST:

  
\_\_\_\_\_  
K. Paige Dukes  
Lowndes County Clerk