

State of Georgia
Effingham County

EFFINGHAM COUNTY TIMBER OPERATIONS ORDINANCE

AN ORDINANCE TO CREATE THE EFFINGHAM COUNTY TIMBER OPERATIONS ORDINANCE; ESTABLISHING PROCEDURES, RULES AND REGULATIONS GOVERNING PERSONS OR FIRMS ENGAGED IN TIMBER OPERATIONS IN EFFINGHAM COUNTY; TO PROVIDE NOTICE FOR TIMBER OPERATORS; TO PROVIDE FOR ENFORCEMENT AND REMEDIES FOR VIOLATIONS OF THIS ORDINANCE AND FOR OTHER PURPOSE.

WHEREAS, timber operations within Effingham County have the ability to cause damage, the accumulation of dirt, mud and other debris on and to the County road and drainage network creating hazardous and undesirable conditions; and

WHEREAS, for the health, welfare and safety and for the benefit and well-being of its citizens the Effingham County Board of Commissioners deem it necessary to create procedures, rules and regulations governing persons and firms engaged in timber operations in Effingham County;

NOW, THEREFORE, BE IT ORDAINED by the Effingham County Board of Commissioners, by virtue of the authority vested in this body by O.C.G.A §12-6-24:

ARTICLE I TITLE AND PURPOSE

SECTION 1.1 – TITLE

This ordinance shall be known as “The Effingham County Timber Operations Ordinance”

SECTION 1.2 – PURPOSE AND INTENT

The purpose of this ordinance is to provide procedures, rules and regulations governing persons, firms, businesses, companies, and corporations engaged in timber operations in Effingham County and to provide for the notice by such persons, firms, businesses, companies, and corporations to allow for the taxation of timber harvesting at fair market value, to provide the efficient collection of the timber harvest tax and to protect the environment, County road network and to assure the public’s safety.

ARTICLE II DEFINITIONS

SECTION 2.1 - DEFINITIONS

- A. The following definitions shall apply in the interpretation and enforcement of this Ordinance, unless otherwise specifically stated or the context clearly requires different meaning:
1. “Board” – Effingham County Board of Commissioners
 2. “County” – Effingham County, Georgia
 3. “Timber” – means softwood or hardwood trees.

4. "Timber Operations" – means the buying, cutting, harvesting, and/or hauling timber for delivery as pulpwood, logs, poles, posts, or wood chips to any wood yard or processing plant located inside or outside this state
5. "Timber Operator" means any person, firm, business(s), company(s) or corporation(s) engaged in buying, harvesting or hauling timber in Effingham County for commercial or profit making purposes
6. "Tract" means a particular parcel or lot of land, or a particular stand of trees to be harvested on a particular lot or parcel of land

**ARTICLE III
GENERAL PROVISIONS**

SECTION 3.1 – NOTICE AND PERMIT

- A. Notice Requirement. Prior written notice shall be required of any person or firm harvesting timber for each separate tract to be harvested thereby. Notice must be provided in accordance with this ordinance and on the County form prior to start-up of any such timber harvesting activity. Such notice shall consist at minimum of:
 1. 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, all points of ingress to such tract from a public road and if different, all points of egress from such tract to a public road;
 2. A statement as to whether the timber will be removed pursuant to a lump sale, per unit sale, or owner harvest for the purposes of ad valorem taxes;
 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;
 4. The name, business address, business telephone number, and nighttime or emergency telephone number of the person or firm harvesting such timber.
- B. Submission. Notice must be submitted to the Director of Public Works and may be submitted in person, by transmission of an electronic record, facsimile or such other means as approved by the Director of Public Works, or by mail. Following the submission of the Notice Requirements the Director of Public Works or their designee will inspect and document the access points within 2 business days.
- C. Changes and Amendment. If at any time circumstances reported in the notice change, the notice shall be amended within 3 business days or shall cease to be effective.
- D. Posted Notice. Once notice requirement has been met the Director of Public Works will provide a permit at no cost. Said permit must be displayed and available for review at the main point of ingress and egress to a public road and in such a location as to be seen by the traveling public. Permit shall be effective at the time it is properly posted on site. The permit may be posted once the Notice Requirements have been satisfied and prior to County inspection.
- E. Upon receipt of the completed timber harvest notice, the Public Works Director shall immediately forward a completed copy of the timber harvest permit to County Tax Assessor and Tax Commissioner.

- F. Failure to comply with the provisions of this section shall constitute a violation of this ordinance.

**ARTICLE IV
STANDARDS FOR OPERATIONS**

SECTION 4.1 - PREVENTION OF CONTAMINATION, DRAINAGE, DAMAGE

- A. Violation to Contaminate Roads. Contamination of public roads with mud, dirt or debris from timber operations is prohibited. The tracking, spilling, dropping, washing, carrying or dumping of any material, dirt or mud onto any public road in this County, from any vehicle or equipment entering or exiting a timber harvesting tract, or any vehicles having previously entered or exited a timber harvesting tract. "Materials" shall include debris from harvested trees, limbs, branches, rock, gravel, and other similar material originating at a timber harvesting tract.
- B. Contamination of Rights of Way. No timber operator shall allow dirt, mud or other debris resulting from timber operations to accumulate upon the right of way of any public road to such an extent that it becomes a nuisance or a hazard to persons traveling upon said roads, or that it creates an unsightly condition upon the public right of way.
- C. Interference with Drainage. No timber operator shall allow dirt, mud or other debris resulting from timber operations to accumulate in ditches and drainage areas on public right of ways to such an extent that the usual flow of water or run-off is stopped, disturbed, changed or interrupted.
- D. Damage to Public Road. No timber operator shall damage any portion of a County Road or Right of Way. No timber operator shall cause a road to become impassable or unsafe to normal passenger traffic.
- E. Failure to comply with the provisions of this section constitutes a violation of this ordinance.

SECTION 4.2 – ADDITIONAL REQUIREMENTS

- A. Nuisance Prohibited. No timber operator shall create any other type of public nuisance
- B. Parking. No timber operator or person shall park or leave unattended a truck, equipment or other motor vehicle or trailer upon the right of way of any county road. No County roads shall be used for: loading, unloading, skidding of materials, equipment, vehicles or timber
- C. Signs. No timber operator shall commence timber operations until he has first posted or caused to be posted along the public road onto which the timber operator will enter from his timber operations at least the following signs: one orange sign in each direction located 500feet from the entrance in order to adequately warn oncoming traffic of persons, vehicles, equipment or machinery entering the roadway, signs shall be posted at least three feet from the road surface of said road.
- D. Failure to comply with the provisions of this section constitutes a violation of this ordinance

**ARTICLE V
ENFORCEMENT**

SECTION 5.1 – VIOLATIONS

- A. Violations. Each violation of the requirements of this article shall be punishable by a fine of \$500, each day any violation under this article continues shall be considered a separate offense.
- B. Road Ban Order. In the event there is an ongoing violation of the provisions of this Ordinance, or if a road is deemed to be unsafe or impassable due to timber operations the Public Works Director, or their designee may issue a road ban order requiring all uses of County Roads cease until such time as the operator comes into compliance with this Ordinance or road conditions improve. In the event of inclement weather a temporary road ban order may be placed upon a timber operator if the public road is unsafe or impassable by designation of the Public Works Director or their designee.
- C. Withholding Future Permits. The County will not accept or approve additional notifications or issue permits where a company, firm or individual has an unresolved violation or has received notice of a violation, until the violation has been addressed to the satisfaction of the County. The firm may submit a corrective action plan with a timeline to complete or remediate any violations or the payment of any and all fines. The Director of Public Works or their designee will determine if subsequent permits shall be authorized if a violation is pending.
- D. Injunctive Relief. In the event that any provision of this Ordinance is violated the notice shall cease to be effective. In addition to any other remedies, the County may seek injunctive, mandamus or other appropriate action to prevent or abate such violation in court of competent jurisdiction and the timber operator shall be liable for such court costs and attorney fees incurred by the County. In addition to or in lieu of any other civil remedy, the County may seek civil fines in Effingham County Superior Court up to the maximum amounts authorized by this Ordinance for any violations. Each day a violation exists shall authorize an additional civil penalty.

**ARTICLE VI
LEGAL PROVISIONS**

SECTION 6.1 – SERVERABILITY

If any paragraph, subparagraph, sentence, clause, phrase or any portion of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, or if any provision of any part of this Ordinance as applied to any particular situation or set of circumstances is declared invalid, or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance or other circumstances not so held to be invalid. It is hereby declared to be the intent of the Board to provide for separable and devisable parts and he does hereby adopt any and all parts hereof as may not be held invalid for any reason.

SECTION 6.2 – REPEAL

This Ordinance repeals any prior Ordinance or Resolution in conflict herewith, except to the extent that said ordinance or resolution is more restrictive than this ordinance, in which case that ordinance or resolution shall control. In the event all of this Ordinance is struck down as void, unconstitutional or invalid, including therefore this provision, that prior ordinance shall be considered to not have been repealed.

SECTION 6.3 – EFFECTIVE DATE

This Ordinance shall become effective on the date _____ the public health, safety and general welfare demanding.

SO ADOPTED this 23 day of July, 2013

ATTEST:

EFFINGHAM COUNTY BOARD OF COMMISSIONERS



Stephanie Johnson, Interim County Clerk



Wendall Kessler, Chairman