

## ORDINANCE

AN ORDINANCE FOR THE REGULATION OF TIMBER HARVESTING IN THE UNINCORPORATED AREA OF OCONEE COUNTY; TO PROVIDE FOR AN ENFORCEMENT PROCEDURE; TO PROVIDE FOR PUNISHMENT FOR VIOLATIONS; AND FOR OTHER PURPOSES.

WHEREAS, the Oconee County Board of Commissioners after determining that for the purpose of protecting and preserving the public health, safety, and welfare in the unincorporated area of the County it was necessary to enact an ordinance regulating timber harvesting and to provide for penalties for the violation of that ordinance and such ordinance was enacted under the authority granted in O.C.G.A. Section 12-6-24;

WHEREAS, it is now necessary to amend the existing Ordinance to comply with amendments to state law enacted at the 2015 legislative session so as to provide for notification by electronic mail and other matters;

THEREFORE BE IT RESOLVED,

1. **Title.** This ordinance shall be known as the Timber Harvesting Ordinance.
2. **Bond Required.** Any person or firm harvesting standing timber in any unincorporated area of Oconee 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 deliver to the Board of Commissioners, herein the "Board" or its designated agent a valid surety bond, executed by a surety corporation authorized to transact business in this state, protecting Oconee 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 O.C.G.A. §7-1-4, in the amount of \$5,000 in lieu of such bond.
3. **Notice Required.**
  - A. No person or firm shall harvest standing timber in any unincorporated area of Oconee County for delivery as pulpwood, logs, poles, posts, or wood chips to any wood yard or processing plant located inside or outside this

state without first providing notice of such harvesting operations to the Board or its designated agent prior to cutting any such timber.

- B. Prior written notice, if possible, but in no event later than 24 hours after entering onto the property, 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 rule or regulation of the Director of the State Forestry Commission, and shall consist of the following, and, to the extent there is any conflict between the following and the prescribed form, then the requirements of the prescribed form shall prevail:
- i. 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;
  - ii. 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 under O.C.G.A. § 48-5-7.5;
  - iii. 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
  - iv. The name, business address, business telephone number, and nighttime or emergency telephone number of the person or firm harvesting such timber.
- C. Notice may be submitted in person, by transmission of electronic mail or of electronic record via telefacsimile or such other means as approved by the Board, or by mail;
- D. The failure of any person or firm to provide the surety bond or irrevocable letter of credit required under Section 1 above, shall render the notice required in this section ineffective for any such harvesting operations unless and until the person or firm providing such notice has delivered to the Board or its designated agent a valid surety bond or irrevocable letter of credit.
- E. Notice shall be effective for such harvesting operation on such tract within such unincorporated area of Oconee County upon receipt of the same by the Board or its designated agent and compliance with the requirements of Section 1 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 or its designated agent within three business days after such change.

4. **Violations.** Each violation of the requirements of this ordinance shall be punishable by a fine of \$500.00. Each day any violation under this ordinance continues shall be considered a separate offense.
5. **Effective Date.** The provisions of this ordinance shall be effective upon approval by the Oconee County Board of Commissioners.

Approved by the Oconee County Board of Commissioners after a first reading on the 30<sup>th</sup> day of June, 2015, and a second reading and vote of approval on the 7<sup>th</sup> day of July, 2015.

BOARD OF COMMISSIONERS  
OCONEE COUNTY, GEORGIA

OCONEE COUNTY BOARD OF COMMISSIONERS

BY: *Melvin Davis*  
Melvin Davis, Chairman

*Jim Luke*  
Jim Luke, Member

*John Daniell*  
John Daniell, Member

*W. E. "Bubber" Wilkes*  
W. E. "Bubber" Wilkes, Member

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Mark Saxon, Member

Attest:

*Jane I. Greathouse*  
Jane I. Greathouse, County Clerk