

ORDINANCE NO. 03-6

ORDINANCE OF THE BOARD OF COMMISSIONERS OF COLUMBIA COUNTY, GEORGIA AMENDING CHAPTER 22 "BUSINESS AND BUSINESS REGULATIONS" TO CREATE ARTICLE V "REGULATION OF TIMBER HARVESTING" OF THE CODE OF ORDINANCES OF COLUMBIA COUNTY, GEORGIA, TO PROVIDE FOR AN EFFECTIVE DATE AND TO REPEAL ANY CONFLICTING ORDINANCES.

THIS ORDINANCE adopted by the Board of Commissioners of Columbia County, Georgia (the "Board").

WHEREAS, the Board desires to adopt a notification procedure requiring all persons or firms harvesting timber in unincorporated areas of Columbia County to notify the County of such activity pursuant to the requirements of Section 12-6-24 of the Official Code of Georgia Annotated and of this ordinance; and

WHEREAS, the Board recognizes the need to set forth rules and regulations to govern and implement the required notification procedures;

WHEREAS, in furtherance of these goals, the Board desires to amend Chapter 22 "Business and Business Regulations" to create a new Article V "Regulation of Timber Harvesting" of the Code of Ordinances of Columbia County, Georgia and provide for the enforcement thereof.

NOW, THEREFORE, BE IT ORDAINED by the Board, and it is hereby ordained by authority of same as follows:

Section 1. Amendment of Chapter 22 "Business and Business Regulations". The Code of Ordinances of Columbia County, Georgia is hereby amended by inserting in Chapter 22 "Business and Business Regulations" a new article to be designated as Article V "Registration of Timber Harvesting" to read as follows:

Section 22-91. Notification Required. All persons or firms harvesting standing timber in any unincorporated area of the County for delivery as pulpwood, logs, poles, posts or wood chips to any woodyard or processing plant located inside or outside the state shall provide notice of such harvesting operations to the County prior to cutting any such timber.

Section 22-92. Forms and Content of Notice. The required notice of harvesting such timber shall describe each separate tract to be harvested, shall be on such form provided by the Georgia Forestry Commission, shall be delivered to the County prior to the inception of harvesting and 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 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;

(b) 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 Section 48-5-7.5 of the Official Code of Georgia;

(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.

Section 22-93. Delivery of Notice. Notice may be submitted in person, by transmission of an electronic record via facsimile or such other means as approved by the County, or by mail to the Planning and Development Services Division of the County.

Section 22-94. Bond or Letter of Credit Required. The County requires persons or firms subject to the notice requirement to deliver a bond or letter of credit as provided by this Section and 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 County agent a valid surety bond, executed by a surety corporation authorized to transact business in Georgia 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 savings and loan association, as defined in section 7-1-4 of the Official Code of Georgia Annotated, in the amount of and in lieu of such bond. For purposes of this Section, any such surety bond or letter of credit shall be valid only for the calendar year in which delivered;

Section 22-95. Duration of Notice. Notice shall be effective for such harvesting operation on such tract within the County upon receipt of the same by the County and compliance with the requirements of Section 22-94 hereof 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 County within three business days after such change.

Section 22-96. Violation; penalties. Violation of the notice requirements of this ordinance shall be subject to the penalties set forth in Section 1-9 of the Code of Ordinances of Columbia County, Georgia.

Section 2. Severability. If any term, requirement or provision of this ordinance or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this ordinance or the application of such terms, requirements and provisions to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby and each term, requirement or provision of this ordinance shall be valid and be enforced to the fullest extent permitted by law.

Section 3. Repeal of Conflicting Ordinances. All ordinances or part of ordinances previously adopted by the Board of Commissioners of Columbia County, Georgia which are in conflict with this ordinance are hereby repealed to the extent necessary to eliminate such conflict.

Section 4. Effective Date. This ordinance shall become effective on _____, 2003.

ADOPTED _____, 2003, following approval on a first and second reading.

**BOARD OF COMMISSIONERS OF
COLUMBIA COUNTY, GEORGIA**

By: _____
Its Chairman

Attest: _____
Its Clerk

[COUNTY SEAL]

CLERK'S CERTIFICATE

_____, I, Phebe Dent, Clerk of the Board of Commissioners of Columbia County, Georgia, (the "Board") **DO HEREBY CERTIFY** that the foregoing pages of typewritten matter constitute a true and correct copy of an Ordinance, adopted by the Board of Commissioners at a regular meeting of the Board of Commissioners duly held on _____, 2003 at 6:30 p.m., open to the public and in which a quorum was present and acting throughout, and that the original of said Ordinance appears of record in the Ordinance Book of the Board and has been placed onto a CD Rom, which is in my custody and control. It will also be microfilmed as part of the Board of Commissioners minutes.

Given under my hand and seal of the Board, this _____ day of _____, 2003.

**CLERK, BOARD OF COMMISSIONERS
OF COLUMBIA COUNTY, GEORGIA**

NOTICE OF TIMBER HARVESTING ACTIVITY
Official Code of Georgia Annotated, Section 12-6-24
Georgia Forestry Commission

County: _____ Timber Sale Acreage: _____ Date Submitted: _____

Check Appropriate: Landowner Timber Seller Legal Representative

Name: _____

Address: _____

City: _____ State: _____ Zip code: _____

Daytime Phone No.: _____

Timber Buyer Information

Logger/Harvester Information

Name: _____

Name: _____

Business Name: _____

Business Name: _____

Business Address: _____

Business Address: _____

City: _____ State& Zip _____

City: _____ State& Zip _____

Business Phone No.: _____

Business Phone No.: _____

Night/Emergency Phone No.: _____

Night/Emergency Phone No.: _____

Timber Sale Type: Lump Sum Unit/Load Owner Harvest

Please Attach/draw a map to identify (1) tract location, and (2) point(a) of ingress & egress from public road(s). Include identified points of reference, such as streams, public roads, right of ways, landmarks, map/parcel number, distances, etc., to ensure county acknowledgement and understanding of location.