

## ARTICLE III. - TIMBER AND PULPWOOD HARVESTING AND TRANSPORT<sup>[2]</sup>

Footnotes:

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**Editor's note**—An ordinance adopted Oct. 11, 2011, §§ I—IX, did not specify manner of inclusion; hence, codification as art. III, §§ 26-71—26-79 was at the discretion of the editor. Subsequently, an ordinance adopted March 7, 2016, amended art. III in its entirety to read as herein set out. Former art. III, §§ 26-71—26-79 pertained to similar subject matter, and derived from an ordinance adopted Oct. 11, 2011, §§ I—IX.

### Sec. 26-71. - Title.

This article shall be known as the "Wayne County Timber and Pulpwood Harvesting and Transport Ordinance."

(Ord. of 3-7-16, § I)

### Sec. 26-72. - Purpose.

The purpose and intent of this article is to ensure that operators engaging in timber or pulpwood harvesting be responsible for any damages inflicted on the county road system or rights-of-way as a result of their operations.

(Ord. of 3-7-16, § II)

### Sec. 26-73. - Definitions.

Terms used in this article are defined as follow:

*Applicant* means any operator who files a notification to use paved county roads of Wayne County in the harvesting and transport of timber and pulpwood.

*Bond* means a property bond which must be in the form specified by the county governing authority.

*County road* means any and all roads, paved or dirt, which are a part of the Wayne County road system, delineated in accordance with O.C.G.A. tit. 32, ch. 4, and intended or used for the passage of motor vehicles by the public.

*Damage*" means any and all injury to the road surface or rights-of-way of a paved road that is part of the county road system of Wayne County, including but not limited to the following:

- (1) Diversion of or the filling of any drainage ditch, culvert, or pipe parallel to or underneath a paved county road, so as to restrain or redirect the flow of water;
- (2) The operation of any vehicle, machinery, or equipment that will gouge, rip, break, depress, or otherwise deface a paved county road;
- (3) The continued ingress or egress, to and from a paved county road at a particular location, that results in a buildup of rock, gravel, mud, dirt, chemicals, or other materials, which present potential hazard to other persons using the paved county road, and the transport of timber onto a paved county road;

- (4) The creation of any dam, berm, ditch, or wall that restrains the natural flow of waters and results in the redirection of said waters onto the paved road surface or right-of-way of any county road.

The term does not include normal wear and tear to paved county roads resulting from use of such roads by an operator in the course of timber or pulpwood harvesting.

*Enforcement officer* means the Wayne County Sheriff, the Wayne County Road Superintendent, or their deputies, constables, or designees.

*Governing authority* means the Wayne County Board of Commissioners.

*Operator* means any person, entity, individual, partnership, corporation, association, or other organization, including the officers, agents, and employees thereof carrying out the activities described in this article.

*Repair* means the repair of a county road to its condition prior to the occurrence of damage caused by harvesting of timber or pulpwood.

*Rights-of-way* means the shoulder, front slope, ditch, drain, and back slope of a paved county road, whether owned by title or otherwise.

(Ord. of 3-7-16, § III)

Sec. 26-74. - Damage to county roads.

It shall be unlawful for any operator engaged in the harvesting or transport of timber or pulpwood to damage any paved or dirt county road or county rights-of-way in Wayne County.

(Ord. of 3-7-16, § IV)

Sec. 26-75. - Notification required.

After November 1, 2011, no operator shall engage in the process of harvesting timber or pulpwood, or the transport of timber or pulpwood from a harvesting site, in Wayne County without first providing notification to the governing authority for each site proposed for timber or pulpwood harvesting. Such notice may be made in writing, by telephone, or by electronic means. In addition, the operator shall meet such other requirements specified in this article.

(Ord. of 3-7-16, § V)

Sec. 26-76. - Bond requirements.

In addition to other requirements imposed under this article, no operator shall harvest or transport timber or pulpwood on or to a paved county road in Wayne County without first providing a property bond or an irrevocable letter of credit in the amount specified as follows:

- (1) Five thousand dollars for an operator who owns or contracts for the use of a vehicle with ten or more wheels for the transport of timber or pulpwood.
- (2) Twenty thousand dollars when official county or state records show that an operator has violated this article or similar ordinance in another county, or payment against a bond has been previously sought in Wayne County or any other county.

Only one bond shall be required by an operator to satisfy the requirements of this section, regardless of the number of sites to be harvested. Said bond shall remain in effect so long as timber or pulpwood harvesting operations are being conducted in Wayne County.

(Ord. of 3-7-16, § VI)

Sec. 26-77. - Notification procedure.

An operator must provide oral, written, or electronic notification to the governing authority, as described in section 26-75, and include the following information:

- (1) Location and physical description of the property (including acreage) upon which timber or pulpwood is to be cut.
- (2) The approximate time of commencement and completion of harvesting operations on the site.
- (3) The name and address of the property owner.
- (4) The name and address of the person or persons who shall be in charge of, or shall act in a supervisory capacity over, the harvesting operations.

If said initial notification is oral, then written or electronic notification shall thereafter be given within 24 hours of the initial oral notification.

The governing authority shall provide a copy of each such notification to the Wayne County Board of Assessors. In addition, a copy shall remain on file with the county road superintendent.

(Ord. of 3-7-16, § VII)

Sec. 26-78. - Operational requirements.

- (a) *Roads—General requirements.* The use of the county roads of Wayne County by operators transporting timber or pulpwood must not endanger the traveling public. Where damage does occur, the paved or dirt county roads so damaged shall be restored to their previous condition, including but not limited to removal of debris and mud and replacement of gravel. Trucks or other equipment used in the harvesting operation shall not be allowed to park on the public right-of-way. If timber is to be transported from the harvesting site onto a county road, the operator must provide the necessary materials and equipment to protect Wayne County property by means that meet forestry best management practices. The county will provide soil to the operator to improve entrances to county roads, when available. This material must be removed and the property restored to its original condition following the completion of the harvesting activities.
- (b) *Signs.* To alert motorists, an operator harvesting and transporting timber or pulpwood on a county road shall post at least one sign in each direction at the site entrance. Unless otherwise designated by the county road superintendent, these signs shall be placed in locations visible to oncoming traffic, between 500 and 1000 feet on either side of the road entrance. Each sign shall be triangular in shape, orange in color, with minimum dimensions of 18 inches by 24 inches, with four-inch lettering, and shall read "Caution Log Trucks Entering Highway." The operator must furnish these signs at his own expense.
- (c) *Inspection by county road superintendent.* Upon completion of harvesting activities at a site, the operator shall immediately notify the county road superintendent, who shall make an inspection of the site and the county road system affected by the harvesting-related activities. This inspection shall take place within three business days of receipt of said notice. The Wayne County Emergency Management Director shall have the authority to close the county road or right-of-way, in the event it is determined necessary after the inspection by the county road superintendent.
- (d) *Inspection finding no damage.* If the inspection required by subsection (c) of this section results in a finding that no damage occurred, the county road superintendent shall immediately so notify the operator. The bond shall be released if operator is ceasing all harvesting operations in the county.
- (e) *Inspection finding damage.* If the inspection required by subsection (c) of this section results in a finding that damage has occurred, the operator having caused the damage shall immediately

undertake the repairs necessary to return the county road or right-of-way to its original condition. If there is disagreement with the county road superintendent's assessment that damage has occurred, the operator may appeal the decision of the county road superintendent to the county administrator. An adverse decision of the county administrator may subsequently be appealed by the operator to the county governing authority.

- (f) *Repairs by county.* In the event no appeal is filed and the responsible operator has not effectuated the repairs, the county road superintendent shall be authorized to use county labor, equipment, and materials to complete the necessary repairs to the county road system. In such event, the county shall be authorized to forfeit the operator's bond in an amount necessary to reimburse the county for all expenses incurred.
- (g) *Operation after damages.* The operator will not be allowed to operate in Wayne County after the inspection finding damages as outlined in subsection c is completed, until the operator has made and completed the required repairs to the satisfaction of the county road superintendent.

(Ord. of 3-7-16, § VIII)

Sec. 26-79. - Enforcement.

- (a) The county sheriff, county road superintendent, or other enforcement officer duly appointed by the county governing authority shall enforce this article.
- (b) Each day that an operator continues timber or pulpwood harvesting operations without a permit constitutes a separate violation.
- (c) Any operator violating this article shall be tried before the Magistrate Court of Wayne County. Upon conviction, a violation of this article shall result in punishment by a fine of not less than \$50.00 or more than \$1,000.00
- (d) The director of the state forestry commission shall be notified as to any violations of this article.

(Ord. of 3-7-16, § IX)