

AN ORDINANCE

AN ORDINANCE AMENDING THE CODE OF GRIFFIN, GEORGIA, AT CHAPTER 78, STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES, BY ENACTING A NEW ARTICLE V – REGULATION OF TIMBER HARVESTING ACTIVITY, IN COMPLIANCE WITH O.C.G.A. 12-6-24, PROHIBITING A COUNTY, MUNICIPALITY, OR OTHER POLITICAL SUBDIVISION OF THIS STATE FROM REQUIRING ANY PERSON OR FIRM ENGAGED IN TIMBER HARVESTING TO OBTAIN ANY PERMIT FOR THE HARVESTING OR HAULING OF FORESTRY PRODUCTS, INCLUDING WITHOUT LIMITATION ANY PERMIT FOR ANY NEW DRIVEWAY IN CONNECTION WITH TIMBER HARVESTING OPERATIONS; TO PROVIDE AN EFFECTIVE DATE; TO PROVIDE FOR SEVERABILITY; TO RESTATE AND REAFFIRM THE CODE OF GRIFFIN, GEORGIA, AS MODIFIED HEREBY; TO REPEAL ALL CODE PROVISIONS, ORDINANCES, OR PARTS THEREOF, IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF GRIFFIN, GEORGIA, AND IT IS ESTABLISHED AS FOLLOWS:

Section 1. The Code of Griffin, Georgia is hereby amended at Chapter 78, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, by enacting a new Article V – REGULATION OF TIMBER HARVESTING ACTIVITY, in compliance with O.C.G.A. 12-6-24, prohibiting counties and municipal corporations of this State from requiring any person or firm engaged in timber harvesting to obtain a permit for the harvesting or hauling of forest products, except in accordance with the notification and bonding procedures set forth therein. Said new Article V shall read as follows:

“ARTICLE V. - REGULATION OF TIMBER HARVESTING ACTIVITY

Sec. 78-100. - Title.

This article is known as the "Regulation of Timber Harvesting Activity."

Sec. 78-101. – Definitions.

As used in this Article, *timber harvesting* shall mean the harvesting of standing timber for delivery as pulpwood, logs, poles, posts, or wood chips to any woodyard or processing plant located inside or outside this state. Such term shall not apply to landscaping or removal of dead or diseased trees from public or private property.

Sec. 78-102. – Purpose and Intent.

It is the purpose and intent of this Article to protect the public streets and roads of the City from damage, including erosion and deposits of sedimentation, that often occur from timber harvesting activities. This Article is enacted pursuant to the authority of a municipal corporation to regulate streets or roads within its jurisdiction in accordance with O.C.G.A. Title 32. Nothing in this Article is intended to preclude the City from imposing regulations on private land use activities relating to development, such as zoning, tree protection, landscaping, or streamside buffer regulations.

Sec. 78-103. - Timber harvesting requirements and application process.

- (a) All timber harvesters harvesting timber in the City of Griffin must comply with all relevant provisions of O.C.G.A. §12-6-24 in order to use any public street or road(s) in the City for transporting harvested timber, other than a Federal or State highway.
- (b) An appointment for ingress/egress inspection shall be scheduled 48 hours in advance of the commencement of activity with the public works department to allow the public works director or his designated agent to inspect the site prior to any activity at the proposed ingress/egress location.
- (c) The following minimum standards shall be met unless directed otherwise by the public works director or his designated agent:
 - (1) Use geotextile underliner minimum 20 feet wide under gravel pad.
 - (2) Minimum drive width shall be 20 feet.
 - (3) Minimum thickness of six inches constructed of one and one-half inches to three and one-half inches of coarse aggregate for a minimum drive length of 50 feet.
 - (4) The street or road, at each ingress/egress point, shall be posted with four 48-inch orange "Trucks Entering Highway" advance warning signs placed on the shoulder of the road at 500 feet and 1,000 feet intervals from both directions. Signs and posts shall conform to the current edition of the Manual for Uniform Traffic Control Devices.
 - (5) All tree harvesting activities shall be performed in accordance with generally accepted forestry land management practices and/or agricultural operations, not incidental to development, on tracts zoned for or used for forestry, silvicultural, or agricultural purpose.
- (d) No harvester equipment or vehicle(s) may be parked on a public right-of-way or use the public right-of-way as a loading facility.
- (e) Once items (a) through (c)(4) have been accomplished and notification given to the public works director or his designated agent, the timber harvester must provide the following to the public works department:

- (1) Persons or firms conducting timber harvesting activities in the City of Griffin shall furnish to the City, a surety bond in the sum of \$5,000.00 in a form required by law and approved by the City Attorney prior to beginning any timber harvesting activities 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 and in lieu of such bond. A separate surety bond or letter of credit shall be required for each tract for which timber harvesting is to occur. In addition, a map of the area identifying the location of the tract to be harvested and the main point and any alternate points of ingress to such tract from a public road and, if different, any point of egress from such a tract to a public road. Said bond or letter of credit shall indemnify and protect the City from any damage to public street or road(s) or clean-up cost associated with any timber harvesting activity conducted.
- (2) Said bond(s) or letter(s) of credit shall be valid only for the calendar year in which it is issued.
- (3) Timber harvester shall submit a fully completed notice of timber harvesting activity, in the form approved by the Georgia Forestry Commission, as found on its website, along with all requested additional information and surety bond(s) or bank letter(s) of credit to the public works department, which then shall review the documentation submitted and notify the timber harvester of approval or denial to proceed with the timber harvesting process. It shall be the duty of the public works director to promptly provide a copy of every approved notice of timber harvesting activity to the County Manager of Spalding County, Georgia.

Pursuant to the Soil Erosion, Sedimentation and Pollution Control Ordinance, subsection 42-67(c), a citation will be issued immediately upon proof of any sediment entering onto a public street or road or sedimentation entering any waters of the State or United States.

Sec. 78-104. – Liability for violation of this Article.

(a) *Liability.*

- (1) Violation of the notice requirements of this Article shall result in the immediate issuance of a Stop-Work Order against the timber harvester, and issuance of a citation, returnable to the Municipal Court of Griffin, Georgia. Upon conviction, a violator shall be punished by a fine not exceeding \$500.00.
- (2) Neither the approval of a plan under the provisions of this Article, nor the compliance with provisions of this Article shall relieve any person from the responsibility for damage to any person or property otherwise imposed by the law nor impose any liability upon the City for damages to any person or property.
- (3) No provision of this Article shall permit any persons to violate the Georgia Erosion and Sedimentation Act of 1975, the Georgia Water Quality Control Act, any rules and regulations promulgated and approved thereunder, any local

ordinance(s) enacted pursuant thereto, or to pollute any waters of the State or United States, as defined thereby.”

Section 2. All ordinances and Code sections, or parts thereof, in conflict with the foregoing are expressly repealed.

Section 3. Should any provision of this ordinance be rendered invalid by any court of law, the remaining provisions shall continue in force and effect until amended or repealed by action of the municipal governing authority.

Section 4. Except as modified herein, The Code of Griffin, Georgia, is hereby reaffirmed and restated. The codifier is hereby granted editorial license to include this amendment in future supplements of said Code by appropriate section, division, article or chapter.

Section 5. This ordinance shall become effective immediately upon adoption on second and final reading.

First Reading: August 9, 2016

Second Reading: August 23, 2016