

A RESOLUTION AND ORDINANCE BY CARROLL COUNTY BOARD OF COMMISSIONERS AMENDING AND RESTATING THE TIMBER AND PULPWOOD HARVESTING ORDINANCE IN THE UNINCORPORATED AREAS OF CARROLL COUNTY CODIFIED IN ARTICLE III OF CHAPTER 38 OF THE CODE OF ORDINANCES, CARROLL COUNTY, GEORGIA; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, timber harvesting operations occur in the unincorporated portions of Carroll County on a recurring basis; and

WHEREAS, timber harvesting is an important component of the local economy in Carroll County, providing revenue to landowners, business opportunities, and jobs for local residents; it is the intent of the Board of Commissioners of Carroll County to facilitate this industry while at the same time protecting county infrastructure and the safety of the community; and

WHEREAS, timber harvesting in many instances requires the use of county-maintained roads in order to transport the product to market; and

WHEREAS, it is in the public interest to protect the county road system from damage caused by timber harvesting operations to the extent allowed by state law; and

WHEREAS, O.C.G.A. §12-6-24 authorizes and establishes the terms and conditions under which this Ordinance may be adopted and enforced; and

WHEREAS, it is the intent of the Board of Commissioners of Carroll County to preserve and exercise where appropriate all powers and authority granted to it under

state law, including but not limited to O.C.G.A. §32-4-42 and O.C.G.A. §40-6-371, that are not in conflict with O.C.G.A. §12-6-24, in order to protect the health, safety and welfare of the community;

WHEREAS, the Board of Commissioners finds that the proposed Timber and Pulpwood Harvesting Ordinance serves to protect and promote the health, safety, and general welfare of the residents of Carroll County;

NOW THEREFORE, BE IT RESOLVED AND ORDAINED by the Board of Commissioners of Carroll County, Georgia, and IT IS HEREBY RESOLVED AND ORDAINED under authority of the same, as follows:

Section 1. The Timber and Pulpwood Harvesting Ordinance in Article III of Chapter 38 of the Carroll County Code of Ordinance shall be amended, restated and replaced with the Ordinance attached hereto as Exhibit "1" and incorporated by reference herein, which establishes rules and regulations for the notification of harvesting timber and pulpwood in the unincorporated areas of Carroll County, Georgia.

Section 2. The repeal of the prior ordinance shall not revive any ordinances or resolutions in force before or at the time the ordinance or resolution repealed took effect, and the repeal of the prior ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time

of the repeal, for an offense committed under the ordinance or resolution repealed. The enactment of this new ordinance is intended to supersede and replace in its entirety Article III, Chapter 38 - Timber and Pulpwood Harvesting of the Code of Ordinances, Carroll County, Georgia.

Section 3. The Clerk of the Board of Commissioners shall forward this ordinance to the appropriate entity for codification.

Section 4. Should any part of this Resolution and Ordinance be declared invalid by a court of competent jurisdiction, the remaining portions hereof shall not be affected and shall remain in full force and effect.

Section 5. This Resolution and Ordinance shall be effective on the _____ day of _____, 2022.

So ORDAINED and ADOPTED this _____ day of _____, 2022.

Michelle Morgan, Chairman
Board of Commissioners
of Carroll County, Georgia

Attest:

Donna Lackey, Clerk