



CH38 ARTICLE III. - TIMBER AND PULPWOOD HARVESTING

Cross reference— Timber tax, § 90-1.

State Law reference— Assessment of standing timber, O.C.G.A. § 48-5-7.5.

Sec. 38-46. - Notice of timber harvesting operations 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 this state shall provide notice of such harvesting operations to the county prior to entering onto the property if possible, but in no event later than 24 hours after entering onto the property. Further, such persons shall give notice of cessation of cutting within 24 hours after the job is completed.

(Ord. of 12-3-02, § 2; Ord. of 8-11-15(1))

Sec. 38-47. - Content of such notice and related procedures.

- (a) Any person or firm harvesting timber for each separate tract to be harvested, shall be in such form as prescribed by the standard form promulgated by the director of the state forestry commission.
- (b) Notice may be submitted in person, by transmission via electronic mail, or such other means as approved by the governing authority, or by mail.

(Ord. of 12-3-02, § 2; Ord. of 8-11-15(1))

Sec. 38-48. - Bonds or letters of credit required.

- (a) All persons or firms subject providing notice shall deliver a bond or letter of credit as provided by this section. 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 director of the department of community development (hereinafter referred to as "director"), a valid surety bond for the year in which the harvesting operations are conducted, executed by a surety corporation authorized to transact business in this state, protecting the county, against any damage caused by such person or firm in an amount specified by the county in the amount of \$5,000.00 upon a form approved by the county attorney. In the alternative, the person or firm harvesting timber may submit a valid irrevocable letter of credit for one year 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. For purposes of this section, any such surety bond or letter of credit shall be valid only for the calendar year in which delivered. No more than one bond is required from each person or firm harvesting timber regardless of the number of tracts harvested in unincorporated Carroll County by each such person or firm so long as the bond remains in effect. Otherwise, a valid replacement bond must be obtained and delivered to the county or its designated agent no later than the close of business on the fifth business day following the day that the county filed a claim to recover damages against the then-existing bond. Upon filing such claim, the county shall immediately provide notice thereof, including the date such claim was filed, to the person or firm causing the damage. Such notice may be given in person, by transmission of an electronic record via telefacsimile, or by e-mail.
- (b) Such surety bond or irrevocable letter of credit shall protect the county against damage, including but not to be limited by, the costs of removal of any obstruction or encroachment upon a public road, the costs of repairs to the public road directly incurred by the county, including any costs associated with traffic management such as flagging, signing, or provision of detours that are directly caused by the obstruction, encroachment, or injury to the county road system.

- (c) Notice shall be effective for such harvesting operation on such tract within the unincorporated area of the county upon receipt of the same by the director and, if applicable, compliance with the requirement of subsection (a), 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 notice shall be reported to the director within three business days after such change.
- (d) Notice requirements shall be applicable to any such timber harvested on or after the effective date of this article.

(Ord. of 12-3-02, § 2; Ord. of 8-11-15(1))

Sec. 38-49. - Penalties for violations.

- (a) It shall be unlawful for any person to obstruct, encroach upon, solicit the sale of any merchandise on, or injure materially any part of any public road. For purposes of this section, the term "obstruct" shall include without limitation the causing of any buildup of rock, gravel, mud, dirt, chemicals, or other materials by continued ingress or egress of vehicles or of any natural waters dammed or redirected by diversion to an extent which presents a hazard to the traveling public.
- (b) Any person who unlawfully obstructs, encroaches upon, or injures said public road shall be responsible for reimbursing the county which is part of a county road system for the costs of removal of any obstruction or encroachment and the costs of repairs to the public road incurred by the county, including any costs associated with traffic management; provided, however, that such costs shall be limited to those costs which are directly incurred from such damages. Costs incurred for traffic management may include, but not be limited to, costs incurred for flagging, signing, or provision of detours, provided that these activities are directly caused by the obstruction, encroachment, or injury to the county road system.
- (c) Violation of the notice requirements of this article shall be punishable by a fine not exceeding \$500.00.

(Ord. of 12-3-02, § 2)

Secs. 38-50—38-60. - Reserved.