

ORDINANCE 2021-01

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF MERIWETHER COUNTY, GEORGIA, TO ADOPT AN AMENDED CHAPTER 9, ARTICLE VII, TIMBER HARVESTING PROCEDURE, TO ESTABLISH UNIFORM PROCEDURES AND REQUIREMENTS FOR THE HARVESTING OF TIMBER IN UNINCORPORATED MERIWETHER COUNTY, GEORGIA; TO REPEAL CONFLICTING CODE PROVISIONS, UNCODIFIED ORDINANCES, OR PORTIONS THEREOF; TO RESTATE AND REAFFIRM THE CODE OF ORDINANCES OF MERIWETHER COUNTY, GEORGIA AS MODIFIED HEREIN; TO PROVIDE FOR SEVERABILITY; TO ESTABLISH AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

BE IT ORDAINED by the Board of Commissioners of Meriwether County that Chapter 9, Article VII of the Code of Ordinances of Meriwether County, Georgia shall be amended as follows:

Article VII.- HARVESTING TIMBER

Sec. 9-151.- Applicability.

This article VII of chapter 9 of the Code of Ordinances, Meriwether County, Georgia, shall apply to all persons, firms and or entities harvesting standing timber in any unincorporated area of Meriwether County, Georgia, for delivery as pulpwood, logs, poles, posts, or wood chips to any wood yard, processing plant or other related enterprise or property located inside or outside this state.

It is not intended, however, for this article to apply to small tree trimming, removal and/or cleanup operations involving the subject property owner(s), the owner's respective agents or other contracted businesses such as tree surgeons, tree trimming and/or removal, storm-related clean-up, and/or landscaping for which the primary purpose of the tree trimming, removal, and/or clean-up is not for the harvesting of timber.

(Ord. of 9-27-05(1))

Sec. 9-152.- Bond required.

(a) In accordance with the authority provided in O.C.G.A. § 12-6-24, any person, firm or entity engaged in the cutting, removing or harvesting of standing timber in any unincorporated area of Meriwether County, Georgia, for delivery as pulpwood, logs, poles, posts, or wood chips to any wood yard, processing plant or other related enterprise or property located inside or outside this state shall first give notice of harvest, complete the Notice of Harvest Action Form and deliver to the Building and Zoning Department a valid surety bond, executed by a surety corporation or other legal surety entity authorized to transact business in this state in the amount of five thousand dollars (\$5,000.00) unless provided by law, to protect the

Meriwether County road system against any damage caused by such person, firm or entity; or, in the alternative and at the option of the person, firm or entity intending to harvest said timber, a valid irrevocable letter of credit in an amount no less than five thousand dollars (\$5,000.00) issued by a bank or other financial institution as defined by O.C.G.A. § 7-1-4 may be submitted to the Building and Zoning department in lieu of the valid surety bond.

(b) As set forth in O.C.G.A. § 12-6-24, no more than one bond shall be required from each person or firm harvesting timber regardless of the number of tracts harvested in the county or municipality 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 Building and Zoning department or its designated agent no later than the close of business on the fifth business day following the expiration of original bond.

(c) Surety bond and/or irrevocable letter of credit shall be valid for the calendar year for which it was delivered to Meriwether County. Said bond and/or letter of credit may be transferred for the purposes of securing another permitted location as many times as may be approved by Meriwether County during the calendar year. Prior to a transfer of said bond, the harvesting site ingress and egress drives previously bearing said bond shall be restored to its original condition and clean-up of the site completed.

(Ord. of 9-27-05(1))

Sec. 9-153.- Notice required.

(a) No person, firm or entity harvesting standing timber in Meriwether County for delivery as pulpwood, logs, poles, posts, or wood chips to any wood yard, processing plant or related enterprise or property located inside or outside this state shall begin to cut, remove or harvest standing timber in any unincorporated area of Meriwether County without first providing notice of such harvesting operations to the Building and Zoning Department or other designated agent for Meriwether County, Georgia, 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.

(1) A map of the area which identifies the location of the tract to be harvested, the proposed travel route of 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;

(2) 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 O.C.G.A. § 48-5-7.5;

(3) 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

(4) The name, business address, business telephone number, current business registration and

nighttime or emergency telephone number of the person or firm harvesting such timber.

(b) Notice may be submitted in person, by transmission of an electronic record via telefacsimile, email or such other means as approved by Meriwether County, or by mail.

(c) The failure of any person, firm or entity to provide the surety bond or irrevocable letter of credit as provided in this article shall render the notice as required in this section ineffective for any such harvesting operation(s) unless and until said person, firm or entity providing said notice has delivered to the Building and Zoning Department the required valid surety bond or irrevocable letter of credit.

(d) Notice shall be effective for such harvesting operation on such tract within such unincorporated area of Meriwether County upon receipt of the same by the Building and Zoning Department or Meriwether County's designated agent and, in compliance with the requirements section set forth in Sec. 9-153, 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 Building and Zoning department or Meriwether County Board of Commissioners or its designated agent; within three (3) business days after such change. Failure to provide the required notice shall result in a fine of up to \$1,500 per violation.

(Ord. of 9-27-05(1))

Sec. 9-154.- Ingress and egress approval, inspection and related requirements.

(a) For any ingress or egress identified by any harvester pursuant to the notice requirements set forth above and if said ingress and egress so identified shall access or cross any right-of-way of Meriwether County, the harvester shall be required, in addition to obtaining ingress/egress approval, to comply with the following temporary harvesting driveway requirements:

(1) Gravel the temporary harvesting driveway with a minimum pad of thirty (30) feet in width for the first twenty (20) linear feet from the entrance and then no less than twenty (20) feet in width after the first twenty (20) linear feet from the entrance for one hundred (100) linear feet with three-inch to five-inch size stone, unless another size is approved by Meriwether County. Said driveway shall be a minimum depth of three (3) inches of stone to ensure mud and/or other debris will not be tracked onto the county roadway. Meriwether County shall also require the placement of geotextile fabric on all new drive cuts. These driveway requirements shall apply to all County paved roads and unpaved roads under certain circumstances and weather conditions where mud, dirt, rock or other debris may be deposited on the County roadway. All ingress and egress locations used by the harvester as a temporary harvesting driveway shall be maintained during the entire harvesting operation. All temporary harvesting driveways shall be piped by the harvester; and, upon completion of the harvesting, said pipe(s) shall be removed and the right(s)-of-way and drainage returned to its original condition by the harvester. Prior to pipe installation, Meriwether County shall inspect the proposed drive entrance and approve the necessary size and length of pipe to maintain proper road drainage.

(2) No harvester equipment, trailer, or vehicle may be parked on a county right-of way. County right-of-way shall not be used as a loading facility for the operation.

(3) Entrance/egress/ingress signs shall be placed at five hundred (500) feet and one thousand (1,000) feet in each direction from each permitted entrance. Said signs shall be a minimum of 36x36 inches, orange and/or reflective in color and indicate "Trucks entering Hwy" or "Logging

(a) County Roadways used for transport of harvested products shall be maintained in passible condition for all vehicular traffic at all times, and harvester shall be responsible for any damages caused by the timber harvest operation.

(b) Mud, dirt, gravel, and any other associated debris on County roadways shall be removed daily by harvester to ensure safety of traveling public.

(c) Except as modified herein, The Code of Ordinances of Meriwether County, 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.

Sec. 9-155 – Severability

Should any part of this ordinance be found by a court of competent jurisdiction to be illegal, unenforceable, or void, the remaining parts of this ordinance shall remain in full force and effect.

Effective Date and Repealer Provision

This ordinance shall become effective immediately upon its adoption and any and all existing or pre-existing Meriwether County, Georgia ordinances, amendments, and resolutions in conflict with the terms of this Ordinance are hereby repealed.

READING February 10, 2021

APPROVAL February 10, 2021

ADOPTED this 10th day of February, 2021 by the Board of Commissioners of Meriwether County, Georgia.



Bryan Shredgill
Chairman

ATTEST: Beverly L. Thomas