

House Bill 1154

By: Representative Floyd of the 138th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 6 of Title 12 of the Official Code of Georgia Annotated,
2 relating to forest resources, so as to redesignate certain provisions of said article; to provide
3 that county governing authorities may by ordinance require notice of certain timber
4 harvesting operations; to prescribe the content of such notice and related procedures; to
5 provide penalties for violations; to prohibit local governing authorities from imposing other
6 notice, bond, or permit requirements for timber harvesting or forest products hauling
7 operations; to amend Title 32 of the Official Code of Georgia Annotated, relating to
8 highways, bridges, and ferries, so as to change certain provisions relating to powers of
9 counties; to change certain provisions relating to powers of municipalities; to change certain
10 provisions relating to obstructing, encroaching on, or injuring public roads; to repeal
11 conflicting laws; and for other purposes.

12 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

13 **SECTION 1.**

14 Article 1 of Chapter 6 of Title 12 of the Official Code of Georgia Annotated, relating to
15 forest resources, is amended by designating Code Section 12-6-23, relating to wood load
16 ticket required for wood removal, form, and exceptions, as a new Part 1A of said article and
17 by adding to said new part a new Code Section 12-6-24 to read as follows:

18 "12-6-24.

19 (a) A county governing authority may by ordinance or resolution require all persons or
20 firms harvesting standing timber in any unincorporated or incorporated area of such county
21 for delivery as pulpwood, logs, poles, posts, or wood chips to any woodyard or processing
22 plant located inside or outside this state to provide notice of such harvesting operations to
23 the county governing authority or the designated agent thereof prior to cutting any such
24 timber.

25 (b) Any ordinance or resolution adopted pursuant to subsection (a) of this Code section
26 shall conform to the following requirements:

1 (1) Prior written notice shall be required of any person or firm harvesting such timber for
2 each separate tract to be harvested thereby, shall be in such form as prescribed by rule or
3 regulation of the director, and shall consist of:

4 (A) A map of the area which identifies the location of the tract to be harvested and, as
5 to those trucks which will be traveling to and from such tract for purposes of picking
6 up and hauling loads of cut forest products, the main point of ingress to such tract from
7 a public road and, if different, the main point of egress from such tract to a public road;

8 (B) A statement as to whether the timber will be removed pursuant to a lump sum sale,
9 per unit sale, or owner harvest for purposes of ad valorem taxation under Code Section
10 48-5-7.5;

11 (C) The name, address, and daytime telephone number of the timber seller if the
12 harvest is pursuant to a lump sum or per unit sale or of the timber owner if the harvest
13 is an owner harvest; and

14 (D) The name, business address, business telephone number, and nighttime or
15 emergency telephone number of the person or firm harvesting such timber;

16 (2) Notice may submitted in person, by transmission of an electronic record via
17 telefacsimile or such other means as approved by the governing authority, or by mail;

18 (3) Notice shall be effective for such harvesting operation on such tract upon receipt of
19 the same by the county governing authority or its designated agent and until such time
20 as the person or firm giving such notice has completed the harvesting operation for such
21 tract; provided, however, that any subsequent change in the facts required to be provided
22 for purposes of such notice shall be reported to the county governing authority or its
23 designated agent within three business days after such change;

24 (4) Notice requirements shall be applicable to any such timber harvested on or after the
25 effective date of the county's ordinance or resolution adopted pursuant to this Code
26 section; and

27 (5) Violation of the notice requirements of any ordinance or resolution adopted pursuant
28 to this Code section shall be punishable by a fine not exceeding \$500.00.

29 (c) The director shall promulgate such rules and regulations as are reasonable and
30 necessary for purposes of the standard form required by paragraph (1) of subsection (b) of
31 this Code section.

32 (d) Any county governing authority or designated agent thereof which receives a notice
33 required by ordinance or resolution adopted pursuant to this Code section regarding timber
34 harvesting operations to be conducted in whole or in part within the corporate limits of a
35 municipality shall transmit a copy of such notice to the governing authority of such
36 municipality or the designated agent thereof.

1 (e)(1) No county, municipality, or other political subdivision in this state shall require
 2 any person or firm harvesting standing timber therein for delivery as pulpwood, logs,
 3 poles, posts, or wood chips to any woodyard or processing plant located inside or outside
 4 this state to provide any notice of or plan for such harvesting or hauling of forest products
 5 except as provided by this Code section.

6 (2) No county, municipality, or other political subdivision in this state shall require any
 7 person or firm harvesting standing timber therein for delivery as pulpwood, logs, poles,
 8 posts, or wood chips to any woodyard or processing plant located inside or outside this
 9 state to obtain any permit or submit any bond for such harvesting or hauling of forest
 10 products, including without limitation any permit for any new driveway in connection
 11 with timber harvesting operations; provided, however, that this paragraph shall not
 12 otherwise limit the authority of a county or municipality to regulate roads or streets under
 13 its jurisdiction in accordance with Title 32."

14 SECTION 2.

15 Title 32 of the Official Code of Georgia Annotated, relating to highways, bridges, and ferries,
 16 is amended by striking paragraph (10) of Code Section 32-4-42, relating to powers of
 17 counties, and inserting in lieu thereof the following:

18 "(10) In addition to the powers specifically delegated to it in this title and except as
 19 otherwise provided by law, a county shall have the authority to adopt and enforce rules,
 20 regulations, or ordinances; to require permits; and to perform all other acts which are
 21 necessary, proper, or incidental to the efficient operation and development of the county
 22 road system; and this title shall be liberally construed to that end. Any power vested in
 23 or duty placed on a county but not implemented by specific provisions for the exercise
 24 thereof may be executed and carried out by a county in a reasonable manner subject to
 25 such limitations as may be provided by law; and"

26 SECTION 3.

27 Said title is further amended by striking paragraph (7) of subsection (a) of Code Section
 28 32-4-92, relating to powers of municipalities, and inserting in lieu thereof the following:

29 "(7) Except as otherwise provided by law, a ~~A~~ municipality may regulate and control the
 30 use of the public roads on its municipal street system and on portions of the county road
 31 systems extending within the corporate limits of the municipality. Any municipality may
 32 regulate the parking of vehicles on any such roads in order to facilitate the flow of traffic
 33 and to this end may require and place parking meters on or immediately adjacent to any
 34 or all of such roads for the purpose of authorizing timed parking in designated spaces
 35 upon the payment of a charge for such privilege. A municipality also may place such

1 parking meters on or adjacent to any public road on the state highway system located
 2 within the corporate limits of the municipality when authorized by the department
 3 pursuant to Code Section 32-6-2;"

4 SECTION 4.

5 Said title is further amended by striking Code Section 32-6-1, relating to obstructing,
 6 encroaching on, or injuring public roads, and inserting in lieu thereof the following:

7 "32-6-1.

8 (a) It shall be unlawful for any person to obstruct, encroach upon, solicit the sale of any
 9 merchandise on, or injure materially any part of any public road, ~~and any~~ For purposes
 10 of this Code section, the term 'obstruct' shall include without limitation the causing of any
 11 buildup of rock, gravel, mud, dirt, chemicals, or other materials by continued ingress or
 12 egress of vehicles or of any natural waters dammed or redirected by diversion to an extent
 13 which presents a hazard to the traveling public.

14 (b) Any person who unlawfully obstructs, encroaches upon, or injures said public road
 15 shall be responsible for reimbursing the Department of Transportation or the applicable
 16 local governing authority in the case of a road which is part of a county road system or
 17 municipal street system for the costs of removal of said obstructions or encroachments and
 18 the costs of repairs to the public road incurred by such department or local governing
 19 authority, including any costs associated with traffic management; provided, however, that
 20 such costs shall be limited to those costs which are directly incurred from such damages.
 21 Costs incurred for traffic management may include, but not be limited to, costs incurred for
 22 flagging, signing, or provision of detours, provided that these activities are directly caused
 23 by the obstruction, encroachment, or injury to the public road system. The court may, in
 24 addition to any other sentence authorized by law, order a person convicted of violating this
 25 Code section to make such restitution for the offense.

26 (c) ~~Nothing~~ ~~However, nothing~~ in this Code section shall abridge or limit any authority
 27 provided by law for the installation and operation of vending machines at welcome centers,
 28 tourist centers, and safety rest areas. Nothing in this Code section shall limit in any way
 29 the department's authority to lease property to state or federal agencies, counties, or
 30 municipalities as provided for in Code Section 32-7-5, or limit the Department of
 31 Transportation's ability to grant a license to any utility or railroad corporation as defined
 32 in Code Section 46-1-1."

33 SECTION 5.

34 All laws and parts of laws in conflict with this Act are repealed.