

The House Committee on State Planning and Community Affairs offered the following substitute to HB 1154:

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 for certain bonds or letters of credit; to provide penalties for violations; to prohibit  
6 local governing authorities from imposing other notice, security, or permit requirements for  
7 timber harvesting or forest products hauling operations; to amend Title 32 of the Official  
8 Code of Georgia Annotated, relating to highways, bridges, and ferries, so as to change certain  
9 provisions relating to powers of counties; to change certain provisions relating to powers of  
10 municipalities; to change certain provisions relating to obstructing, encroaching on, or  
11 injuring public roads; to repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

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

17 "12-6-24.

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

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

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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) The county governing authority may require persons or firms subject to such notice  
19 requirement to deliver a bond or letter of credit as provided by this paragraph, in which  
20 case notice shall not be or remain effective for such harvesting operations unless and until  
21 the person or firm providing such notice has delivered to the county governing authority  
22 or its designated agent a valid surety bond, executed by a surety corporation authorized  
23 to transact business in this state, protecting the county and any municipality therein  
24 against any damage caused by such person or firm in an amount specified by the county  
25 governing authority not exceeding \$5,000.00 or, at the option of the person or firm  
26 harvesting timber, a valid irrevocable letter of credit issued by a bank or savings and loan  
27 association, as defined in Code Section 7-1-4, in the amount of and in lieu of such bond.  
28 For purposes of this paragraph, any such surety bond or letter of credit shall be valid only  
29 for the calendar year in which delivered;

30 (4) Notice shall be effective for such harvesting operation on such tract upon receipt of  
31 the same by the county governing authority or its designated agent and, if applicable,  
32 compliance with the requirements of paragraph (3) of this subsection and until such time  
33 as the person or firm giving such notice has completed the harvesting operation for such  
34 tract; provided, however, that any subsequent change in the facts required to be provided  
35 for purposes of such notice shall be reported to the county governing authority or its  
36 designated agent within three business days after such change;

1 (5) Notice requirements shall be applicable to any such timber harvested on or after the  
 2 effective date of the county's ordinance or resolution adopted pursuant to this Code  
 3 section; and

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

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

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

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

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

## 27 SECTION 2.

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

31 "(10) In addition to the powers specifically delegated to it in this title and except as  
 32 otherwise provided by Code Section 12-6-24, a county shall have the authority to adopt  
 33 and enforce rules, regulations, or ordinances; to require permits; and to perform all other  
 34 acts which are necessary, proper, or incidental to the efficient operation and development  
 35 of the county road system; and this title shall be liberally construed to that end. Any  
 36 power vested in or duty placed on a county but not implemented by specific provisions

1 for the exercise thereof may be executed and carried out by a county in a reasonable  
2 manner subject to such limitations as may be provided by law; and"

### 3 SECTION 3.

4 Said title is further amended by striking paragraph (7) of subsection (a) of Code Section  
5 32-4-92, relating to powers of municipalities, and inserting in lieu thereof the following:

6 "(7) Except as otherwise provided by Code Section 12-6-24, a municipality may  
7 regulate and control the use of the public roads on its municipal street system and on  
8 portions of the county road systems extending within the corporate limits of the  
9 municipality. Any municipality may regulate the parking of vehicles on any such roads  
10 in order to facilitate the flow of traffic and to this end may require and place parking  
11 meters on or immediately adjacent to any or all of such roads for the purpose of  
12 authorizing timed parking in designated spaces upon the payment of a charge for such  
13 privilege. A municipality also may place such parking meters on or adjacent to any public  
14 road on the state highway system located within the corporate limits of the municipality  
15 when authorized by the department pursuant to Code Section 32-6-2;"

### 16 SECTION 4.

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

19 "32-6-1.

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

26 (b) Any person who unlawfully obstructs, encroaches upon, or injures said public road  
27 shall be responsible for reimbursing the Department of Transportation or the applicable  
28 local governing authority in the case of a road which is part of a county road system or  
29 municipal street system for the costs of removal of said obstructions or encroachments and  
30 the costs of repairs to the public road incurred by such department or local governing  
31 authority, including any costs associated with traffic management; provided, however, that  
32 such costs shall be limited to those costs which are directly incurred from such damages.  
33 Costs incurred for traffic management may include, but not be limited to, costs incurred for  
34 flagging, signing, or provision of detours, provided that these activities are directly caused  
35 by the obstruction, encroachment, or injury to the public road system. The court may, in

1 addition to any other sentence authorized by law, order a person convicted of violating this  
2 Code section to make such restitution for the offense.

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

10 **SECTION 5.**

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