

The Senate Natural Resources Committee offered the following substitute to HB 1154:

ADOPTED

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 local governing authorities may by ordinance require notice of certain timber harvesting
4 operations; to prescribe the content of such notice and related procedures; to provide for
5 certain bonds or letters of credit; to provide penalties for violations; to prohibit local
6 governing authorities from imposing other notice, security, or permit requirements for timber
7 harvesting or forest products hauling operations; to amend Title 32 of the Official Code of
8 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)(1) A county governing authority may by ordinance or resolution require all persons
19 or firms harvesting standing timber in any unincorporated area of such county for
20 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
22 to the county governing authority or the designated agent thereof prior to cutting any such
23 timber.

24 (2) A municipal governing authority may by ordinance or resolution require all persons
25 or firms harvesting standing timber in any incorporated area of such municipality for
26

1 delivery as pulpwood, logs, poles, or wood chips to any woodyard or precessing plant
2 located inside or outside this state to provide notice of such harvesting operations to the
3 municipal governing authority or the designated agent thereof prior to cutting any such
4 timber.

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

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

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

14 (B) A statement as to whether the timber will be removed pursuant to a lump sum sale,
15 per unit sale, or owner harvest for purposes of ad valorem taxation under Code Section
16 48-5-7.5;

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

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

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

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

1 (4) Notice shall be effective for such harvesting operation on such tract within such
 2 unincorporated area of the county or incorporated area of the municipality upon receipt
 3 of the same by the applicable governing authority or its designated agent and, if
 4 applicable, compliance with the requirements of paragraph (3) of this subsection and until
 5 such time as the person or firm giving such notice has completed the harvesting operation
 6 for such tract; provided, however, that any subsequent change in the facts required to be
 7 provided for purposes of such notice shall be reported to the governing authority or its
 8 designated agent within three business days after such change;

9 (5) Notice requirements shall be applicable to any such timber harvested on or after the
 10 effective date of the ordinance or resolution adopted pursuant to this Code section; and

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

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

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

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

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

34 **SECTION 2.**

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

4 "(10) In addition to the powers specifically delegated to it in this title and except as
5 otherwise provided by Code Section 12-6-24, a county shall have the authority to adopt
6 and enforce rules, regulations, or ordinances; to require permits; and to perform all other
7 acts which are necessary, proper, or incidental to the efficient operation and development
8 of the county road system; and this title shall be liberally construed to that end. Any
9 power vested in or duty placed on a county but not implemented by specific provisions
10 for the exercise thereof may be executed and carried out by a county in a reasonable
11 manner subject to such limitations as may be provided by law; and"

12 SECTION 3.

13 Said title is further amended by striking paragraph (7) of subsection (a) of Code Section
14 32-4-92, relating to powers of municipalities, and inserting in lieu thereof the following:

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

25 SECTION 4.

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

28 "32-6-1.

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

