

House Bill 199

By: Representatives Corbett of the 174<sup>th</sup>, Nimmer of the 178<sup>th</sup>, Shaw of the 176<sup>th</sup>, Epps of the 144<sup>th</sup>, Carter of the 175<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 1A of Article 1 of Chapter 6 of Title 12 of the Official Code of Georgia  
2 Annotated, relating to timber harvesting and removal requirements, so as to require notice  
3 of timber harvesting only in an approved form; to provide that one bond shall be required for  
4 each county; to provide that no county may require an administrative fee for receiving a  
5 notice of timber harvesting; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Part 1A of Article 1 of Chapter 6 of Title 12 of the Official Code of Georgia Annotated,  
9 relating to timber harvesting and removal requirements, is amended by revising Code Section  
10 12-6-24, relating to notice of timber harvesting operations, as follows:

11 "12-6-24.

12 (a)(1) A county governing authority may by ordinance or resolution require all persons  
13 or firms harvesting standing timber in any unincorporated area of such county for  
14 delivery as pulpwood, logs, poles, posts, or wood chips to any woodyard or processing  
15 plant located inside or outside this state to provide notice of such harvesting operations  
16 to the county governing authority or the designated agent thereof prior to ~~cutting any such~~  
17 timber entering onto the property if possible, but in no event later than 24 hours after  
18 entering onto the property. Further, such persons shall give notice of cessation of cutting  
19 within 24 hours after the job is completed.

20 (2) A municipal governing authority may by ordinance or resolution require all persons  
21 or firms harvesting standing timber in any incorporated area of such municipality for  
22 delivery as pulpwood, logs, poles, or wood chips to any woodyard or processing plant  
23 located inside or outside this state to provide notice of such harvesting operations to the  
24 municipal governing authority or the designated agent thereof prior to ~~cutting any such~~  
25 timber entering onto the property if possible, but in no event later than 24 hours after

26 entering onto the property. Further, such persons shall give notice of cessation of cutting  
 27 within 24 hours after the job is completed.

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

30 (1) Prior written notice shall be required of any person or firm harvesting such timber for  
 31 each separate tract to be harvested thereby, shall be made only in such form as prescribed  
 32 by rule or regulation of the director, and shall ~~consist of~~ be limited to the following:

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

37 (B) A statement as to whether the timber will be removed pursuant to a lump sum sale,  
 38 per unit sale, or owner harvest for purposes of ad valorem taxation under Code Section  
 39 48-5-7.5;

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

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

45 (2) Notice may be submitted in person, by transmission of an electronic record via  
 46 telefacsimile, e-mail, or such other means as approved by the governing authority, or by  
 47 mail;

48 (3) The governing authority may require persons or firms subject to such notice  
 49 requirement to deliver a bond or letter of credit as provided by this paragraph, in which  
 50 case notice shall not be or remain effective for such harvesting operations unless and until  
 51 the person or firm providing such notice has delivered to the governing authority or its  
 52 designated agent a valid surety bond, executed by a surety corporation authorized to  
 53 transact business in this state, protecting the county or municipality, as applicable, against  
 54 any damage caused by such person or firm in an amount specified by the governing  
 55 authority not exceeding \$5,000.00 or, at the option of the person or firm harvesting  
 56 timber, a valid irrevocable letter of credit issued by a bank or savings and loan  
 57 association, as defined in Code Section 7-1-4, in the amount of and in lieu of such bond.  
 58 Only one bond in each county shall be required regardless of the number of tracts  
 59 harvested in such county so long as the bond remains in effect; otherwise, a replacement  
 60 bond must be obtained. For purposes of this paragraph, any such surety bond or letter of  
 61 credit shall be valid only for the calendar year in which delivered;

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

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

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

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

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

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

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

95 (3) The provisions of paragraphs (1) and (2) of this subsection shall not preclude  
96 counties, municipalities, and other political subdivisions from enacting and enforcing tree  
97 ordinances, landscape ordinances, or streamside buffer ordinances; provided, however,  
98 such ordinances shall not apply to timber harvesting as described in subparagraph (A) of

99 paragraph (4) of this subsection or in unzoned tracts as described in subparagraph (B) of  
100 paragraph (4) of this subsection.

101 (4)(A) The limitations on the regulatory authority of counties, municipalities, or other  
102 political subdivisions provided by paragraphs (1), (2), and (3) of this subsection shall  
103 apply only to timber harvesting operations which qualify as forestry land management  
104 practices or agricultural operations under Code Section 12-7-17, not incidental to  
105 development, on tracts which are zoned for or used for forestry, silvicultural, or  
106 agricultural purposes.

107 (B) The limitations on the regulatory authority of counties, municipalities, or other  
108 political subdivisions provided by paragraphs (1), (2), and (3) of this subsection shall  
109 also apply to tracts which are unzoned.

110 (5) No county shall require a fee of any kind for receiving a notification of a timber  
111 harvest."

112 **SECTION 2.**

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