

# **Catoosa County**

## **Chattanooga MSA**

**2003 Population Estimate 58,085; +8.3% change from 2000 Census.**

**Not a Tree City USA.**

**No tree board established by ordinance.**

## **ARTICLE II. TIMBER OPERATIONS**

**Year first adopted or last revised unknown.**

**Addresses private property.**

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## ARTICLE II. TIMBER OPERATIONS

### Sec. 19-31. Purpose and intent.

The purpose of this article is to provide procedures, rules and regulations governing persons, businesses and other entities engaged in timber cutting operations in Catoosa County and to provide for the issuance of permits to such operators in order to protect the health, welfare and safety of the citizens and the environment of the county, and in order to ensure the efficient operation and development of the county road system and to assure the public safety.

(Ord. of 10-21-97, § II)

### Sec. 19-32. Definitions.

As used in this article, the following terms shall have the meanings ascribed to them in this section:

*Board* means the Board of Commissioners of Catoosa County, Georgia, or their successors in office, being the governing authority of Catoosa County, Georgia.

*County* means Catoosa County, Georgia.

*County road* means any road located within the unincorporated area of Catoosa County, Georgia, over which the board exercises control and jurisdiction.

*Public property* means any property owned, either in fee simple or otherwise titled, or held by the county, including but not limited to, ditches, bridges and rights-of-way.

*Surety bond* means one of the following:

- (1) Cash.
- (2) An irrevocable letter of credit.
- (3) A bond issued by a licensed surety authorized to transact business in the State of Georgia (and who is also listed on treasury circular 570 at the time of the filing).
- (4) Some other security or collateral acceptable to the county in the amount of \$50,000.00.

*Timber* means soft wood or hard wood trees and soft wood or hard wood logs.

*Timber harvester* means any person, firm, business, company, corporation or other entity engaged in buying, selling, cutting or harvesting timber in Catoosa County for commercial purposes or for profit.

*Timber operations* means buying, cutting, harvesting and/or hauling timber in Catoosa County, Georgia.

(Ord. of 10-21-97, § III)

### Sec. 19-33. Surety bond.

- (a) On or after January 1, 1998, no timber harvester shall engage in timber operations

upon a county road or public property without first submitting a surety bond acceptable to the county in the amount of \$50,000.00 to ensure the timber operator's compliance with the requirements of this article. The surety bond shall be issued to the county for a period of one year or until timber operations are complete and the county has inspected all county roads and public property used in connection with the timber operations. The surety bond shall name the county as obligee, shall be issued to the county and shall be posted with the department head of the county road department by an operator prior to the date of the commencement of timber operations. Each surety bond must contain a provision which allows the county to consent to the release and/or cancellation of the surety bond posted pursuant to this article.

(b) The surety bond shall run to the county and provide that the timber harvester and the timber harvester's successors and assigns will:

- (1) Indemnify the county against any and all damage caused to county roads or public property as a result of timber operations;
- (2) Indemnify the county for costs incurred in the clean up of waste or debris left upon a county road or public property as a result of timber operations; and
- (3) Indemnify the county for any expenses incurred by the county through the failure of the timber harvester to complete any necessary repairs to county roads or public property in accordance with applicable standards acceptable to the county.

(c) In the event a timber harvester damages county roads or public property while conducting timber operations on county roads or public property, then on any subsequent application for a permit pursuant to section 19-34 of this article the county may require a surety bond acceptable to the county in the amount of \$75,000.00 to be posted by such timber harvester.

(Ord. of 10-21-97, § IV)

#### **Sec. 19-34. Permit.**

(a) No timber harvester shall engage in timber operations on a county road or public property without first securing a permit to conduct such operations in the county. A permit is required for each timber contract entered into by a timber harvester.

(b) As a condition precedent to the issuance of a permit, the timber harvester must have submitted an acceptable surety bond to the county in accordance with section 19-33 of this article.

(c) An application for a permit shall be submitted to the county in such manner and on such forms as the county prescribes and shall be accompanied by an application fee prescribed by the county.

(d) Any timber harvester seeking a permit shall provide the following information for each permit requested:

- (1) The name and address of the owner of the property on which the timber harvester will engage in timber operations.
- (2) The location of the property upon which the timber harvester will engage in timber operations.
- (3) The county roads upon which the trucks used in connection shall travel.
- (4) The date timber operations are expected to commence and the estimated time of completion.

- (5) The names and addresses of all persons in a supervisory capacity engaged in timber operations at the location for which the permit is requested.
  - (6) Identify all points of ingress and egress onto any county road which may be employed by the timber harvester.
  - (7) If a timber harvester intends to engage independent contractors to haul the timber, the name and address of each independent contractor.
- (e) All applicants for a permit must submit evidence of financial responsibility. The county may require all applicants to provide financial statements and other evidence of financial responsibility in conjunction with the application.
  - (f) A permit shall be valid for a period to be determined by the county. Such period shall not exceed the estimated time of completion of the specific timber operations identified in the permit, except that upon a showing of good cause, the county may grant an extension.
  - (g) In the event the county denies an application for a permit, it shall send written notice of such denial to the applicant setting forth in the notice to reason for the action. Such notice shall state that it shall become final unless a written request for hearing is filed with the county within 15 days from the date of such notice, and the notice shall be delivered to the applicant either personally or by certified mail, return receipt requested. The permit holder shall be entitled at such hearing to present such evidence and to cross-examine witnesses. Decisions of the county may be appealed to the superior court of the county by filing a written notice of appeal within 30 days of the county's decision.
  - (h) Prior to the issuance of a permit, the department head of the county road department or his duly authorized representative will inspect the site to determine if a culvert is required along the county right-of-way and the size and length of the culvert, if any be required. If it is determined that a culvert is needed, it must be installed by the timber harvester under the supervision of the county road department. When the representative of the county road department makes the initial inspection of the site, the existing condition of any public property to be used by the timber harvester shall be documented.

(Ord. of 10-21-97, § V)

#### **Sec. 19-35. Duties of permit holder.**

- (a) It shall be unlawful to engage in any timber operation except in such a manner as to conform to and to comply with all applicable requirements of this article.
- (b) It shall be the duty and responsibility of timber harvesters to control the activities of any subcontractors employed by the timber harvesters to prevent damage to county roads and public property and insure compliance with the requirements of this article.
- (c) No timber harvester shall allow dirt, mud or other debris resulting from timber operations to accumulate upon the right-of-way of any county road to such an extent that it becomes a nuisance or hazard to persons traveling upon such roads, or that it creates an unsightly condition upon public property.
- (d) No timber harvesters shall allow dirt, mud or other debris resulting from timber operations to accumulate in ditches and drainage areas on public rights-of-way to such an extent that the usual flow of water or run-off is stopped, disturbed, changed or interrupted.
- (e) No equipment, trucks or trailers which are used in connection with timber

operations shall be left unattended or parked on any county road or right-of-way or public property.

(f) Timber harvesters shall not damage county roads or public property while conducting timber operations. Timber harvesters shall take appropriate action to insure that all trucks hauling timber do not exceed applicable load limits for county roads being used by the timber harvester.

(g) No timber harvester shall commence timber operations or continue said operations without first installing and maintaining a temporary drive cut and culvert to access the property and installing and maintaining soil erosion and sedimentation control sufficient to prevent dirt, mud and other debris from accumulating in the county drainage ditches upon public property, and upon the county roads upon which the timber harvester uses for the purposes of ingress and egress.

(h) The timber harvester shall display a minimum of four warning signs, two in each direction of the road entrance to the timber operation. Two signs, one in each direction, shall be located 500 feet in each direction from the operation entrance and shall contain the following information: "Slow Truck Entering Highway." Two signs, one in each direction, shall be located 1000 feet in each direction from the operation entrance and shall contain the following information: "Warning: Logging Operation Ahead." Each sign shall be 36 inches by 36 inches, orange in color, and shall be posted at least three feet from the travel surface of the applicable roadway.

(i) All timber operations shall be conducted at a loading site off the county right-of-way and behind the established ditch line of county roads.

(j) Loading or skidding of logs is not to be permitted on county roads.

(k) That portion of county roads which are located at the timber operations entrance shall be kept serviceable at all times for the passing public, emergency vehicles, school buses, mail carriers, etc.

(l) Timber harvesters shall use crushed stone or some other material, if necessary, on access roads to prevent the transporting of excessive amounts of mud, dirt, or other debris from the timber operations area onto the county right-of-way, county roads, or public property.

(m) The timber harvester shall maintain and insure that the county roads and public property are returned to a state at least equal to that existing immediately prior to the instituting of the timber operations.

(Ord. of 10-21-97, § VI)

### **Sec. 19-36. Administration.**

(a) Timber harvesters shall give the county written notice within 72 hours of the completion of timber operations. Within five days of said notice the county shall inspect the county roads and public property being used by the timber harvesters to determine if the same has been returned to a state at least equal to that existing immediately prior to the institution of timber operations. If it is determined by the county that the county roads and public property used by the timber harvester are not in a proper state of condition, the county shall provide written notice to the timber harvester specifying the actions which we required to be taken by the timber harvester to correct said condition(s). The timber harvester shall complete all such repairs within 15 days from the date of such notice.

(b) If the necessary repairs to the county roads and/or public property are not

completed within the required period of time, or if the repairs are not made in accordance with applicable standards which are acceptable to the county, the county may proceed to remedy said defects in accordance with the applicable specifications and requirements using the proceeds from any surety bond posted pursuant to this article to pay for such work. To the extent that any portion of a surety bond is not required or used, said excess amount shall be repaid to the permit holder.

(c) Any timber harvester who does not take appropriate corrective action to remedy the designated problem shall pay all costs incurred by the county to repair any problems and return the public property to as good a condition as existed prior to the issuance of the permit. The county may use its own personnel to take said corrective action or may enter into such contracts with independent contractors as may be deemed reasonable and necessary to return the county roads and/or public property used by the timber harvesters to as good a condition as existed prior to the issuance of the permit.

(d) In the event of violation of any provision or requirement of this article, the county shall issue a stop order directed to the timber harvester specifying the provision of this article alleged to have been violated and shall direct that necessary corrective action be taken within a reasonable time to be prescribed in the order. For the purpose of this section, a reasonable time shall not be greater than five days unless otherwise determined by the county, and may be less than five days if such lesser is deemed appropriate by the county. The order shall state that it shall become final within 15 days after the date of such order unless a request for a hearing is filed within that time with the county. Such order shall be delivered to the timber harvester either personally or by certified mail, return receipt requested. When an emergency exists, no stop order shall be required to be issued by the county to the timber harvester.

(e) In addition to any other penalties provided for under the provisions of this article, or under the provision of any state or federal law, any timber harvester in violation of this article shall reimburse the county for any costs and expenses incurred by the county in abating any nuisance created by the timber harvester.

(f) Any action taken by the county to suspend or revoke a permit issued hereunder shall not preclude, and may be in addition to, any criminal prosecution by a proper authority as provided by the laws and ordinances of the county, the State of Georgia, or the United States.

(g) Whenever any action is taken by the county to suspend or revoke any permit issued hereunder, the county shall provide written notice to the permit holder of the action taken stating the reasons thereof. Notice shall be delivered to the permit holder, either personally or by certified mail, return receipt requested. The permit holder shall have 15 days following notification of such action to request a hearing before the county. The permit holder shall be entitled at such hearing to present evidence and to cross examine witnesses. Any decision of the county may be appealed to the superior court of the county by filing a written notice of appeal within 30 days of the county's decision.

(h) Notwithstanding any other provisions contained elsewhere in this article, the following are declared to be criminal violations of this article:

(1) It shall be unlawful to engage in any activities in violation of applicable requirements, rules, regulations, permits, permit conditions and orders established under this article. Each day a violation continues shall be deemed a separate offense.

(2) To furnish false or material incomplete or misleading information to the county, or a lawful designee of the county, on any application or investigation.

(3) It shall be unlawful for any person to damage any public property or county road while engaged in the cutting or hauling of timber.

(i) Jurisdiction over offenses in this article shall be in the magistrate court of the county. Any person violating the terms of this article or any permit condition may be punished by a fine of not less than \$300.00 nor more than \$1,000.00, or imprisoned in the county jail for a period not to exceed 60 days, or both.

(Ord. of 10-21-97, § VII)

**Sec. 19-37. Enforcement.**

The department head of the county road department, or his designated representative, shall be the enforcing officer of this article.

(Ord. of 10-21-97, § VIII)