

LOCAL LAW #1 1998

June 6, 1998

Regulating Timber Harvesting

SECTION 1. PURPOSE

The Town of Corning recognizes that the timber resource in the Town is a renewable resource of significant value and will be harvested over the course of time. The Town also recognizes that if timber harvesting practices are poorly conducted, they can result in significant damage to adjacent lands; to water quality; and to public roads. Thus, the purpose of this law is to regulate those harvesting activities that hold the greatest potential for causing damage to neighboring lands, water quality and public roads.

SECTION 2. DEFINITIONS

Board Foot:	Measure of lumber 12" x 12" x 1"
International 1/4,"Doyle, or Scribner Log Rule:	Professionally recognized and accepted method of determining the amount of lumber in board feet, that can be obtained from logs or trees.
Landing:	Open or cleared areas used for loading logs onto trucks or any general purpose such as storing logs or servicing equipment.
Logging Operation:	The removal of timber in any quantities greater than 20 standard cords, 2,560 cubic feet, or 15,000 board feet measured by the International 1/4,"Doyle, or Scribner Log Rule, on any one ownership of land within any consecutive twelve month period.
Professional Forester:	A graduate forester from an accredited forestry college who has at least two years experience in forest management or timber harvesting.
Standard Cord:	A cut, pile of wood measuring 4' x 4' x 8'.

SECTION 3. NOTIFICATION APPLICATION

- A. Required Application It is hereby required that any landowner desiring to harvest forest products in quantities greater than twenty (20) standard cords or two thousand, five hundred sixty (2,560) cubic feet or fifteen thousand (15,000) board feet as measured by the International 1/4," Doyle, or Scribner Log Rule, on any one ownership of land within any consecutive twelve (12) month period shall notify the Town Clerk, in a manner prescribed by the Town, of such intent not less than ten (10) days prior to the commencement of such harvesting operations.
- B. Application Forms This notification must be made by the landowner or his designated representative on forms prescribed by the Town. The landowner is encouraged to enlist the services of professional forester; to practice sound forest management; to utilize a written contract for the sale of forest products; and to follow the *Timber Harvesting Guidelines for New York*.
- C. Information Provided by the Town At the time of notification, the Town shall provide each applicant with the following information:
1. Sources of professional forestry assistance including NYSDEC
 2. Harvesting and marketing information
 3. Timber Harvesting Guidelines for New York
 4. Excerpts from State and Town Highway Law currently in force
- D. Erosion/Sediment Control Plans At the request of the landowner, the Steuben County Soil and Water Conservation District may prepare Erosion and Sedimentation Control Recommendations which shall include estimated costs of deploying such plan and alternative measures.
- E. Town Signature The Town Clerk shall sign the Notification application, provide a copy to the applicant and retain a copy. The Notification shall expire one year from its date of issuance.

SECTION 4. NOTIFICATION INFORMATION

- A. Name, address and telephone number(s) of the landowner(s)
- B. Name, address and telephone number(s) of landowner's designated representative, if applicable
- C. Name, address and telephone number(s) of harvesting contractor. If not known at the time of notification, it must be provided to the Town Clerk prior to the commencement of any harvesting activities.
- D. A description or sketch map of the location of the property; the area to be harvested; and the location of the product loading area(s) (landings).
- E. The name(s) of the road(s) from which logging trucks will be entering the

- property and onto which logging trucks will be exiting the property.
- F. The dates between which harvesting is to take place.
 - G. Evidence of New York State Department of Environmental Conservation (NYSDEC) Article 15 Stream Disturbance Permit, if applicable.
 - H. Evidence of NYSDEC SPDES Permit for Construction Activities for logging operations which disturb five (5) acres or more, if applicable.
 - I. A copy of the written contract between the landowner and harvesting contractor; sale value information notwithstanding.

SECTION 5. ENFORCEMENT

- A. Notice to town officials Upon signing the notification application, the Town Clerk shall notify the Town Planning Board, the Town Board, the Town Supervisor, the Town Highway Superintendent, and the Code Enforcement Officer of the planned action.
- B. Other Applicable Laws All logging operations and associated transportation of equipment and/or forest products shall be subject to all applicable federal, state and local laws relating but not limited to timber harvesting, erosion and sedimentation, water quality, and damage to private and/or public property.

SECTION 6. ROADS

- A. Applicable Laws All timber harvesting operations shall comply with all applicable clauses of the Highway Law, Vehicle and Traffic Law and other existing statutes.
- B. Prohibitions In addition, for purposes of public safety and protection of public property, the loading of logs, firewood, pulpwood or other forest products within the public road right-of-way is prohibited.

SECTION 7. VIOLATIONS

- A. Failure to notify the Town Upon determination by the Code Enforcement Officer that a logging operation was undertaken without notification to the Town of Corning, s/he shall serve upon the property owner an initial order in writing to cease and desist immediately and shall direct that a notification application be filed within five (5) working days after the serving of such order.
- B. Notice to appear in court If, after the expiration of such period, the notification application is not filed, the Code Enforcement Officer shall serve a written notice upon the owner requiring him to appear before the Town Justice of the Town of Corning at a time to be specified in such notice which shall not be less than forty-

eight (48) hours after service of notice.

- C. Fine/Imprisonment The Town Justice may, after a hearing at which the testimony and witnesses of the Code Enforcement Officer and the violator shall be heard, fine the violator an amount not less than \$250 or more than \$2,500, per violation or imprison him for a period of not more than 15 days. Each continued day of violation shall constitute a separate violation.

SECTION 8. APPEALS

Any person aggrieved by any decision of the Code Enforcement Officer may appeal to the Town Board. Any determination by the Town Board under this Local Law may be appealed to the Supreme Court under Article 78 of the Civil Practice Law and Rules.

SECTION 9. VALIDITY

If any section, paragraph, subdivision or provision of this Law shall be declared invalid, such invalidity shall apply only to the section, paragraph, subdivision or provision adjudged invalid and the rest of this Law shall remain valid and effective.

SECTION 10. EFFECTIVE DATE

This Law shall take effect immediately upon filing in the office of the Secretary of State of the State of New York.