

TOWN OF CATON
LOGGING REGISTRATION LAW

adopted February 10, 2003 and filed with Department of State March 19, 2003

SECTION 1. PURPOSE

The Town of Caton 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 by encouraging the use of professional forest management expertise and best management practices in the design and implementation of timber harvesting operations..

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 forest products, including but not
limited to:
saw timber or pulp wood, in any quantities greater than 2560
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, or

fuel wood in any quantity greater than 20 cords
on any one ownership of land within any
consecutive six 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.

SECTION 3. NOTIFICATION APPLICATION

- A. Required Application It is hereby required that any landowner desiring to undertake a LOGGING OPERATION 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 LOGGING OPERATION.
- 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 a 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
 2. NYSDEC 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. Landowner Name, address and telephone number(s) of the landowner(s)
- B. Landowner's Representative Name, address and telephone number(s) of landowner's designated representative, if applicable.
- C. Logger 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 LOGGING OPERATION.
- D. Sketch Map A description or sketch map with dimensions of the location of the property; the area to be harvested; and the location of the LANDINGS.

- E. Roads 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. Dates The anticipated dates between which the LOGGING OPERATION is to take place.
- G. State Stream Permit Evidence of New York State Department of Environmental Conservation (NYSDEC) Article 15 Stream Disturbance Permit, if applicable.
- H. State SPDES Permit Evidence of NYSDEC SPDES Permit for Construction Activities for logging operations which disturb one (1) acres or more, if applicable.
- I. Contract A copy of the written contract between the landowner and harvesting contractor; sale value information notwithstanding.

SECTION 5. RECOMMENDATIONS

- F. Professional advice The landowner is encouraged to enlist the services of a PROFESSIONAL FORESTER to manage the LOGGING OPERATION.
- G. Aesthetics It is recommended that the residual aesthetics of the site be taken into consideration when planning and implementing the LOGGING OPERATION.
- H. Contract It is recommended that the conditions and responsibilities for any timber sale agreement be carefully spelled out in a signed sales contract.
- I. Liability Insurance It is recommended that the landowner require a certificate of general liability insurance covering the LOGGING OPERATION.
- J. Workers' Comp It is recommended that the landowner require proof of Workers' Compensation and disability insurance coverage for the logger.
- K. Sound Practices LOGGING OPERATIONS should utilize sound forest management practices and follow the *Timber Harvesting Guidelines for New York* to the extent possible.

SECTION 6. 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, the Code Enforcement Officer and owners of the adjoining property(ies) of the planned LOGGING OPERATION.

- 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 7. 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, fuel wood, pulpwood or other forest products within the public road right-of-way is prohibited.

SECTION 8. 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 Caton, 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/her to appear before the Town Justice of the Town of Caton at a time to be specified in such notice which shall not be less than forty-eight (48) hours after service of notice.
- D. 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 9. 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 10. VALIDITY

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

SECTION 11. EFFECTIVE DATE

This Law shall take effect immediately upon filing in the office of the Secretary of State of the State of New York which occurred on March 19, 2003.