

LOCAL LAW #1 of 1999

TIMBER HARVESTING LAW

**Be It Enacted By the Town Board of The
Town of Campbell As Follows:**

SECTION 1. PURPOSE.

The Town of Campbell 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 lands.

SECTION 2. DEFINITIONS.

Board Foot: Measure of lumber 12"x12"x1".

International 1/4" Log Rule

Doyle Law and Scribner Law:

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 of wood, 2,560 cubic feet, or 15,000 board feet measured by the International 1/4" Log Rule, Doyle Law or Scribner Law, 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 of wood or fifteen thousand (15,000) board feet as measured by International 1/4" Doyle or Scribner Lot 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. Landowners and loggers not following the Town's application process shall be liable for fines and court costs.

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 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, in particular, the following guidelines:

- A. Use temporary culverts, bridges or runways where stream bottoms or banks might be damaged; remove them after use.
- B. Avoid cutting trees and destroying understory within 10 feet of streambank. This keeps the banks in place and shades of water.
- C. Don't skid up and down the stream channel – a good rule for intermittent streams, too.
- D. Fell trees so that the tops land away from the stream. Keep debris out of the water and skidders farther away from the banks.
- E. Remove logging debris from the water, so stream flow isn't affected.

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 Sediment Control Recommendations which shall include estimated costs of deploying such plan and alternative measure.

E. Town Signature. The Town Clerk shall sign the Notification Application, provide a copy to the applicant and retain a copy and issue a permit to be displayed at the site and a permit

to be displayed in each truck. The notification and permits shall expire one year from its date of insurance.

- F. Security Deposit Required.** BEFORE ANY COMMENCEMENT OF TIMBER REMOVAL, a security deposit of \$500.00 is payable to the Town Clerk. Upon completion of the logging operation, the logged area must be restored to reasonable condition of any areas within 50 feet of any public road. **No damage shall occur to any public road or the right-of-way.** Upon satisfactory inspection of the logged area, and affected public road(s) and rights-of-way of the Code Enforcement Officer and the Town Highway Superintendent, the security deposit will be refunded. **If damage is found, the security deposit shall be used by the Town for repairs.**
- G. Clearcutting.** (1) On property larger than 5 acres, up to 33% of the land may be clear cut in the initial clear cut operation. (2) After five years has elapsed, up to an additional 33% of the land may be clear cut and on the remaining strips of land in the same tract, trees harvested must be at least 16” in diameter. (3) For clear cutting tracts of land larger than 5 acres, applicant must provide evidence he has hired a professional forester.

SECTION 4. NOTIFICATION INFORMATION.

- A. Name, address and telephone number(s) of the property owner.
- B. Name, address and telephone number(s) of landowners 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 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 will take place
- G. Evidence of New York State Department of Environmental Conservation (NYSDEC) Article 15 Stream Disturbance Permit, if applicable.
- H. Evidence of liability & compensation insurance in effect naming the Town of Campbell as Certificate Holder, before logging commences.

SECTION 5. ENFORCEMENT.

- A. Notice to Town Officials.** Upon signing the notification application, the Town Clerk shall notify the Town Planning Board, 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 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. ENFORCEMENT.

Applicable Laws. All timber harvesting operations shall comply with all applicable clauses of the Highway Law, Vehicle and Traffic Law and other existing statutes. Associated fines may be levied if repairs are needed to roads or rights-of-way.

Prohibition. In addition, for purpose 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.

Failure to Notify the Town. Upon determination by the Code Enforcement Officer that a logging operation was undertaken without notification to the Town of Campbell, (s)he shall serve upon the property owner and the logger, an initial order in writing to cease and desist immediately and shall direct that a notification application be filed within five working days after serving of such order.

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 landowner and logger requiring him/them to appear before the Town Justice of the Town of Campbell at a time to be specified in such notice which shall not be less than 48 hours after service of notice. It is the Town's intention to hold both the logger and the landowner liable for the violations.

Fine/Imprisonment. The Town Justice may, after a hearing at which testimony and witnesses of the Code Enforcement Officer and the violator shall be heard, fine the violator an amount of \$250 or more than \$2500, per violation or imprison him for a period of not more than 15 days. Each continued day of the 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 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 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.