

TIMBER HARVESTING RULES

PURPOSE

The Town of Catlin encourages the responsible use of **timber** as a renewable resource. This section applies to **timber harvesting** operations within the Town of Catlin, and is intended to protect the landowner, the **timber harvester**, and the public.

DEFINITIONS

**"Best Management Practices During Timber Harvesting Operations"**: Refers to a publication produced by the Chemung County Soil and Conservation District in 1997, or its' successor document.

**Board Foot**: A measure of lumber 12" X 12" X 1"

**Clear Cut**: Any **timber harvesting** operation where all **timber** larger than four (4) inches in diameter is harvested.

**Code Enforcement Officer**: An official designated by the Town Board for the purpose of enforcing codes, laws, ordinances, and conditions set by Planning Board or Zoning Board of Appeals resolutions.

**Commercial Harvesting**: **Harvesting** for profit or payment.

**Curb Cut**: Any opening either temporary or permanent of a new road, driveway, or laneway onto a public road.

**Erosion Control Plan**: A compilation of maps and documents demonstrating steps to be taken to prevent the erosion of soil on and from a **property** during and after **timber harvesting** operations.

**Harvester:** A Person who works **harvesting timber**.

**Harvesting:** Any cutting of trees for **timber**, lumber, or firewood.

**Property:** Privately or publicly owned land within the Town of Catlin.

**Public Road:** Any road or highway which is publicly or privately owned or maintained and which is accessed and regularly used by the public.

**Stream:** Any river, stream or naturally occurring channel of water or any man-made culvert which flows directly into one of the aforementioned.

**Timber or Timber Products:** Trees cut from the stump for any use.

## **RULES**

- I. No Permit or Registration for harvesting is required for the following:
  - A. **Harvesting of timber or timber products** by the owner or resident of any **property** for use by that owner or resident, or
  - B. The commercial **harvesting** and removal from any **property** of not more than three (3) ten wheel or tri-axle loads, or not more than two (2) tractor trailer loads, of **timber** or **timber products**.
  - C. **Clear cutting** of less than 1 acre.
  - D. If a **stream** is crossed then the **property** owner or owners agent should consult with the

Crossing Permit will be required.

E. If a new **curb cut** is made then the Town of Catlin Highway Superintendent shall be consulted (for proper permits).

II. Registration by the owner of any **property** will be required when the limits of part I of this section are exceeded or anticipated to be exceeded, but not more than 8 ten wheel or tri-axle loads, or 5 tractor trailer loads, or when any **property** exceeding 1 acre is **clear cut**. Such Registration shall be filed with the **Code Enforcement Officer**.

A. Registration fee to be set by Town Board Resolution

B. A completed registration document shall contain the following information and shall be effective for 1 year from the date on the registration:

1. The date of registration.
2. A control number issued by the **Code Enforcement Officer**.
3. Name, address, and phone number of the **property** owner.
4. Name, address, and phone number of the owner's agent if any.
5. Name, address, and phone number of the **harvester**.
6. Address and tax map identification number of the **property** to be **harvested**.  
Also attach a sketch map of the area and **property** to be **harvested**.
7. **Harvesting** information to include, number of **board feet** to be **harvested**, number of acres to be **harvested**, and will **clear cutting** occur.
8. Date of completed SEQR, if required.
9. The estimated date that the **harvesting** is to commence.
10. Has the Catlin Highway Superintendent been contacted?
11. Date that new **curb cut** issued.
12. The state, county, and local roads within the Town of Catlin that are expected to

13. Estimated date that the **harvesting** operation is to be completed.
14. The signature of the **property** owner and the date signed.
15. The signature of the **harvester** and the date signed.

C. The **harvester** shall submit to the Code Enforcement Officer proof of not less than five hundred thousand dollars (\$500,000) of general aggregate liability insurance. The **harvester shall** also show proof of Workman's Compensation and Disability Insurance if required by law.

D. A copy of the Chemung County Soil & Water Conservation District publication "**Best Management Practices During Timber Harvesting Operations**" will be given to the **property** owner with a recommendation that the "**Best Management Practices**" be followed. Chemung County Soil & Water Conservation District or the **Code Enforcement Officer** may be contacted for advice.

E. If damage due to runoff, or depositing of mud or debris on any **public road** occurs, the **timber harvesting** operation shall stop and the requirements of Part III of this section shall apply.

F. No **harvesting of timber** pursuant to this Part shall commence prior to the filing of a completed registration.

G. The **property** owner or the owner's agent shall notify the **Code Enforcement Officer** when the **harvesting** is complete.

III. A revocable permit shall be required when the limits of Part II of this ordinance are exceeded, or when any **property** exceeding 1 acre is **clear cut**. In addition to the provisions of Part II, the following conditions shall apply:

A. Registration fee to be set by Town Board Resolution

- B. An **erosion control plan** shall be developed and filed with the application for a permit. The **erosion control plan** will be reviewed by the **Code Enforcement Officer** using the "**Best Management Practices**" contained within the Chemung County Soil & Water Conservation District's publication "**Best Management Practices During Timber Harvesting Operations**" as a reference.

C. Security Deposit

1. In order to ensure compliance with this Local Law the Town shall require a security for performance, from the **property** owner, in a form satisfactory to the Town Clerk. The amount shall be determined at \$50.00 per acre to be **harvested**, with a \$1,000.00 minimum and a \$5,000.00 maximum.
2. Upon expiration of the revocable permit, unless extended, or notification that **harvesting** is complete, the **Code Enforcement Officer** shall inspect the **harvested property** to ensure that the **Erosion Control Plan** has been followed. The **Code Enforcement Officer** may ask for assistance from the Town Highway Superintendent and or the Chemung County Soil and Water District Office. A written report shall be made stating that the **Erosion Control Plan** has been complied with or deficiencies noted that need to be corrected. If compliance is complete, the Town Clerk shall be notified to return the security within 10 days of notification that **harvesting** is complete. If the **Erosion Control Plan** has not been complied with satisfactorily, an estimate of the cost to comply shall be delivered to the **property** owner who shall be given 10 days to make the noted corrections. If the corrections are not made to the satisfaction of the **Code Enforcement Officer** within 10 days, then the Town shall arrange to complete such noted work and deduct that cost from the security. Any monies left over shall then be returned within 10 days of completion of the work.

2. The harvesting of timber pursuant to this part shall not commence until the Code Enforcement Officer has accepted the erosion control plan and issued a permit, and shall not continue after a permit has been revoked.

E. Any damage due to, runoff or depositing of mud or debris on any public road or in a stream shall cause a revocation of the permit, and shall cause all harvesting to stop.

#### IV Penalties

Any person violating any provisions of this local law shall be guilty of an offense and upon conviction thereof shall be punishable by a fine not exceeding Two Hundred Fifty (250.00) Dollars, or by imprisonment for not more than fifteen (15) days, or by both fine and imprisonment. Each day the violation continues shall be deemed to be a separate and distinct violation.