

**LIBERTY TOWNSHIP
HOME RULE RESOLUTION NO. 003
REGULATION OF COMMERCIAL TIMBERING
AS AMENDED**

The Board of Trustees of Liberty Township, Trumbull County, Ohio met in regular session at the Liberty Township Administration Building on the 4th day of January, 2010; with the following members present:

Trustee Stoyak, Trustee Simon and Trustee Litch

Trustee Stoyak presented the following amendment to Home Rule Resolution No. 002 to the Board:

WHEREAS, R.C. 504.04(A) authorizes the Township to exercise powers of local self-government within the local police, sanitary, and other similar regulations and;

WHEREAS, R.C. 504.05 authorizes the Township to impose a civil fine up to \$1,000 for a violation of a resolution adopted pursuant to R.C. 504.04 et seq., and;

WHEREAS, the Township has the responsibility, pursuant to R.C. 5535.01(c) to maintain all public roads within the township and, pursuant to R.C. 5571.02, to keep such roads in good repair, and;

WHEREAS, the Township has an obligation to provide for the general safety, health and welfare of its residents and property, and to protect, preserve and conserve the environment and natural resources within the township, including the beautification of the Township; and

WHEREAS, commercial timbering of property located in the Township, by nature, is an activity that impacts upon the environment and natural resources within the township;

WHEREAS, the original resolution was adopted on the 20th day of April 2009; and,

NOW THEREFORE BE IT RESOLVED that the following regulations for the commercial timbering of property in the unincorporated area of the Liberty Township be and hereby are adopted, pursuant to the authority of the limited self-government of townships (Chapter 504 Ohio Revised Code) and approved upon First and Second readings and Publication and Codification.

SECTION 1: Timbering Permit

- A. No person or entity shall engage in commercial timbering of any real property located in the unincorporated area of Liberty Township without first obtaining a permit from the Code Enforcement Officer.

Any person or entity shall, before commencing commercial timbering activity shall make application for and obtain a timbering permit.

The Application for permit shall contain the following information:

1. The name, address and telephone number of the person or entity that will be conducting the actual cutting and removal of trees on the property. If said person or entity is a corporation, they shall provide a copy of the certificate of incorporation and proof that the corporation is in good standing with the Ohio Secretary of State; if the person or entity is a partnership, the name and address of at least one general partner and copies of any partnership documentation filed with the Ohio Secretary of State
2. The name of the owner of record; street address and Trumbull County Auditor's Permanent Real Estate Parcel ID Number of the property to be timbered.
3. The date of commencement of timbering activities and the estimated completion date.

SECTION 2: TIMBERING OPERATION RULES

- A. Permit holders shall daily, remove and clean up any mud and/or debris left on the township roads as a result of the timbering activities, including but not limited to vehicles and equipment traveling on State, County and Township roads and debris on the roads from the timbered property.
- B. Timbering activities shall be conducted during the following days and times:
 - a) Monday through Friday 8:00 AM to 8:00PM
 - b) Saturday 8:00 AM to 6:00 PM
 - c) All timbering is prohibited on Sundays

SECTION 3: COMPLETION OF OPERATIONS; RESTORATION OF PROPERTY

- A. The permit holder shall complete timbering activities on or before the date of completion as represented and stated in the permit, unless for good cause an extension is applied for and approved by the code enforcement officer.
- B. Upon completion of the commercial timbering activities, the permit holder shall remove all cut and downed timber and debris and shall repair all ruts and damage to the property to restore the property to its pre-commercial timbering condition less the timber removed. The permit holder shall contact the code enforcement officer and arrange a meeting with the code enforcement officer on the premise to inspect the property and issue a certificate of

compliance of clean up and restoration to the permit holder.

SECTION 4: PENALTIES

Whoever violates this resolution is subject to the following civil fines:

A violation of Section 1:

- a) First Offense - \$ 500.00
- b) Second and Subsequent Offenses \$1,000.00

A violation of Sections 2 and 3 per permit;

- a) First Offense \$ 250.00
- b) Second Offense \$ 500.00
- c) Third Offense \$ 750.00
- d) Fourth and subsequent offenses \$1,000.00

SECTION 4: EFFECTIVE DATE OF RESOLUTION

This resolution shall be in full force effect 30 days from its date of adoption upon a first and second reading and publication thereof.

First reading Township Resolution No. 10-35: 1/3/10

Moved by Trustee Stoyak, and seconded by Trustee Simon.

The Roll Call resulted as follows:

	AYE	NAY
Mr. Simon	<u> X </u>	<u> </u>
Ms. Stoyak	<u> X </u>	<u> </u>
Mr. Litch	<u> X </u>	<u> </u>

Second reading of Township Resolution No. 10-53: 2/8/10

Moved by Trustee Stoyak, and seconded by Trustee Simon.


The Roll Call resulted as follows:

	AYE	NAY
Mr. Simon	<u> X </u>	<u> </u>
Ms. Stoyak	<u> X </u>	<u> </u>
Mr. Litch	<u> X </u>	<u> </u>

Liberty Township Resolution adopting Home Rule Resolution No. 002, As Amended is adopted upon second reading this 8th day of February 2010.

Effective Date: March 12, 2010

Prepared and approved as to form:



Mark S. Finamore
Township Law Director

CERTIFICATION

I, John Fusco, Fiscal Officer of Liberty Township do hereby certify that the foregoing resolution is a true and accurate copy of the same as appears in the minutes of the official proceedings of the Board of Trustees of Liberty Township and the same was published and codified in accordance with Chapter 504 of the Ohio Revised Code.

Date: 2/9/10



John Fusco, Fiscal Officer