

Local Law Filing

Town of Hornby, Steuben County, New York

LOCAL LAW # 2 of 2009

Regulating Timber Harvesting

Last change date 7/20/2009

SECTION 1. PURPOSE

The Town of Hornby 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 ¼", 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 ¼", 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 $\frac{1}{4}$ ", 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. A non-refundable fee of fifty dollars (\$50) is required at the time of the registration application. 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. Timber Harvesting Guidelines for New York, in particular, the following:
 - a. Use temporary culverts, bridges or runways where stream bottoms might be damaged; remove them after use.
 - b. Avoid cutting trees and destroying understory within fifty (50) feet of streambank. This keeps the banks in place and shades the water.
 - c. Don't skid up and down the stream channel – a good rule for intermittent streams, too.
 - d. Fell tree so that 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 is not

affected.

2. The following websites are available on the internet for more information:
 - a. <http://www.dec.ny.gov/lands/5242.html>
 - b. <http://www.dec.ny.gov/lands/5240.html>
- 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 copy of the tax map of the property of 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. Must follow 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. The applicant is responsible for the notification of adjacent landowners.

SECTION 5. ENFORCEMENT

- A. Notice to town officials Upon signing the notification application, the Town Clerk shall notify the Town Planning Board, 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 Hornby, 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 seven (7) 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 Hornby 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 \$50 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 Zoning Board of Appeals. Any determination by the Zoning Board of Appeals 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.