

TOWN OF HUNTER
Local Law No. 9 of 2016

THE TOWN OF HUNTER TIMBER HARVESTING LAW

A LOCAL LAW repealing and replacing Local Law No. 2 of 2016 of the Town of Hunter regulating Timber Harvesting.

BE IT ENACTED by the Town Board of the Town of Hunter, Greene County, as follows:

SECTION I. Authority

This law is enacted pursuant to the authority granted under Section 10 of the Municipal Home Rule Law.

SECTION II. Purpose

The Town of Hunter recognizes that timber resources are an important and valuable renewable resource that may be harvested. The Town also recognizes that if harvesting practices are poorly conducted they can result in significant damage to lands, including adjacent lands, water quality, and public roads and infrastructure. The purpose of this local law is to protect the Town's land resources, water quality and public infrastructure by regulating harvesting activities through a permitting process that encourages the use of Best Management Practices and professional forest management expertise.

SECTION III. Definitions

For the purpose of this local law, the following terms shall apply:

Best Management Practices (BMPs): Devices and procedures to be considered and used as necessary to protect the values and functions of forested land during harvesting and during other forest management operations. Examples of these practices are included in the *NYS Forestry BMP Field Guide*. These practices not only protect the values and functions of forested land, but they assisting protecting water quality and adjacent resources.

Code Enforcement Officer (CEO): The official designated by the Town Board to enforce the provisions of local laws and codes.

Forest Management Plan: Plans include Real Property Tax Law Section 480 –A plans, and plans from a recognized sustainable forestry certification program such as sustainable Forestry Initiative , Forest Stewardship Council, Tree Farm, Green Tag, or similar, or a DEC- approved, Forest Stewardship Plan and Watershed Agricultural Council plans.

Haul Roads: A constructed (or existing) road of dirt and/or gravel utilized for moving cut trees to the point where they are loaded on a truck to exit from the site.

Landing: An open or cleared area used for loading logs onto trucks or used for any purpose such as storing logs or servicing equipment.

Land Stewardship Plan: A written description of land management and stewardship practices employed on the property, and how such practices are in keeping with the intent of this law as set forth in the purposes section herein. Said written description shall include an enumeration of all such land management practices, but does not need to be specific in terms of location, scope or duration of said practices.

NYS Forestry BMP Field Guide: The *New York State Forestry Best Management Practices for Water Quality BMP Field Guide*, or any succeeding standard published by NYSDEC.

Perennial Stream: A body of running water flowing continuously in a defined channel with bed and banks on the ground surface.

Qualified Forester: An individual who has a degree in forest management or an associated forestry discipline from a Society of American Foresters accredited, or candidate institution.

Timber Harvesting (Logging): Felling trees for lumber and/or firewood production and/or sale.

SECTION IV. Exemptions

A. Timber harvesting permit is not required for the following activities:

1. Harvesting of trees and firewood for personal use and noncommercial use.
2. Site clearing preparatory to construction of a building for which a building permit has been issued.
3. Clearing of land for rights-of-ways for utilities.
4. Clearing and maintenance of land solely for agricultural purposes.
5. Harvesting of evergreens specifically planted for Christmas trees.
6. Thinning of a sugar bush.
7. Forest Management plan (automatically qualifying plans would include Real Property Tax Law Section 480 –A plans, a recognized sustainable forestry certification program such as sustainable Forestry Initiative , Forest Stewardship Council, Tree Farm, Green Tag, or similar, or a DEC- approved, Forest Stewardship Plan.) Assessor will forward all qualified land management documents to the Code Enforcement Officer (CEO) for file.
8. Land stewardship plan: Is created by a certified /qualified forester, as defined herein, lands eligible to submit a land stewardship plan to ensure that such lands are managed consistently with the intent and spirit of this law, the following procedures apply and shall supersede all other application procedures:

A. The owner of said land shall submit to the CEO a land stewardship plan as defined herein to define practices employed on the property. The plan shall demonstrate

that all such practices are in keeping with the intent of this law, as set forth in the findings, purpose and intent section herein. Said written description shall enumerate all such locations, scope, schedules or duration of said practices.

B. Said landowner shall submit, to the CEO for review and filing, an updated description prepared by the qualified forester, of any changes to the land management plan activities or new techniques.

SECTION V. Permit Required

No person, firm, partnership, corporation or other entity (hereafter referred to as “person”) shall engage in timber harvesting in the Town of Hunter without a timber harvest permit issued by the Town CEO.

SECTION VI. Permit Application Procedure

1. Any person desiring to engage in timber harvesting shall obtain a Timber Harvest Permit application package from the Town Clerk which will include a permit application, a copy of this local law, and the *NYS Forestry BMP Field Guide*.
2. The completed permit application shall be filed with the-CEO together with a Timber Harvesting Site Map and the required permit fee. The completed permit application shall state the location and extent (in area) of the operation and the projected duration of the operation in months. The application shall be signed by the owner of real property on which the activity will occur and shall be notarized. The applicant shall provide Proof of Liability Insurance and Workers’ Compensation Insurance of the Timber Harvesting Firm that would be hired under this permit.
3. The Timber Harvesting Site Map shall show parcel boundaries, roadways, streams, waterbodies, wetlands, topographic contour interval lines, proposed harvest area, haul roads, landing areas and ingress/egress at public roads. It may be based upon the Greene County GIS web map, a USGS topographic map, or equivalent, or a copy of the map included in a NYSDEC approved forest management plan may be submitted.
4. The Town CEO shall refer the completed Timber Harvesting Permit Application to the Town Highway Superintendent and to the Greene County Highway Department or New York State Department of Transportation as applicable. A site inspection may be conducted by the appropriate agencies to determine if the operation will create a hazard to traffic safety or environmental quality, or potentially damage public highways. These agencies have 15 business days upon receipt to respond to the Town CEO if they have any comments/concerns.
5. The CEO shall issue the Timber Harvesting Permit to the applicant after review of a completed application and assurance that all requirements are met. The permit shall expire six months after the approximate end of harvest as noted in the permit application.

SECTION VII. Timber Harvesting Standards

1. The Town highly recommends that all timber harvest applicants work with an experienced Timber Harvest Professional while planning their harvest.
2. As applicable and to the extent practicable, timber harvesting activities shall follow the recommendations in the *NYS Forestry BMP Field Guide*.
3. Loading and skidding of logs shall not be conducted in the public road right-of-ways. Landings shall not be located in the public road right-of-ways.
4. Wood chips, crushed stone, or other approved material shall be used on access roads for a distance of two hundred (200) feet from the edge of a public road to prevent tracking excess amounts of mud or other material onto public roads.
5. All timber harvest operations and any related stormwater runoff shall be contained within the subject property and shall not affect adjacent properties.
6. Erosion shall be minimized by installing practices recommended in the *NYS Forestry BMP Field Guide* to divert running water from haul roads and skid trails. In order to minimize erosion, no haul road or skid trail used by heavy equipment during the timber harvesting operation shall exceed a slope of 15% for a distance of more than 200 feet by without reducing the slope below 15% or installing a practice recommended in the *NYS Forestry BMP Field Guide* to divert running water from haul roads and skid trails.
7. The placement of haul roads or skid trails within a 50-foot setback distance from streambanks or other surface waters on slopes 15% or greater shall be avoided.
8. There shall be no skidding in any stream channel without a NYSDEC Stream crossing Permit, and all logging slash and debris shall be promptly removed from any such channels.
9. In order to maintain the integrity of streambanks and to shade streams, harvesting shall not be conducted within fifteen (15) feet of any perennial stream unless determined to be necessary by a qualified forester. The 15-foot no-harvest zone is measured from the immediate top of the stream bank.
10. Site reclamation should be performed as soon as site conditions allow either during or upon completion of the harvesting activity, and should conform to the *NYS Forestry BMP Field Guide*. All reclamation efforts should include:
 - A. Haul roads, skid trails and landings should have permanent erosion control and drainage structures installed. Waterbars, dips, diversion ditches or other appropriate erosion management structures shall be placed based on the *NYS Forestry BMP Field Guide* guidelines to reduce erosion.
 - B. Manage and divert overland flow on haul roads by properly shaping, sloping and ditching to prevent erosion. Grade skid trails to remove ruts.
 - C. Roadways and landings prone to erosion shall be stabilized by seeding and mulching.

- D. All temporary culverts and bridges at stream crossings shall be removed and stream banks restabilized and protected with waterbars. A NYS DEC stream crossing permit may be required for this action.

SECTION VIII. Enforcement and Violations and Enforcement

1. Enforcement

This Law shall be enforced by the Town CEO. He shall be authorized and have the right in the performance of duties to enter upon any property to be harvested, in the process of being harvested, or in the process of being reclaimed after harvesting to make such inspections as are necessary to determine satisfactory compliance with the provisions of this Law. Such entrance and inspection shall be initiated at reasonable times and in emergencies whenever necessary to protect interest. It shall be the duty of the CEO to investigate all complaints made under this Law and to take appropriate action on all violations of this law.

Note: Many of the following items are regulated by other agencies and have been included for informational purposes for public knowledge. Any complaints regarding items already regulated by other agencies will have those complaints forwarded to appropriate regulating agency by the CEO.

2. Violations

- A. Failure to Notify the Town. Upon determination by the CEO that a timber harvesting operation was undertaken without a permit, they shall serve upon the property owner and logging contractor an initial order in writing to cease and desist immediately and shall direct the land owner to apply for such permit.
- B. Notice to Appear in Court. If the landowner fails to obtain a permit and continues harvesting activities the CEO shall serve a written notice upon the landowner and logging contractor requiring their appearance before the Town Justice at a time to be specified. It is the Town's intention to hold both the landowner and logging contractor liable for any violations.
- C. Fine/Imprisonment. The Town Justice may, after a hearing at which the testimony and witness of the CEO and violator shall be heard, determine the violator is subject to a fine not to exceed \$350.00 or imprisonment for a period not to exceed 30 days, or both. Every week such condition shall continue shall constitute a separate offense.
- D. In addition to the above provided penalties, the Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any provision of this law.
- E. The person responsible for the violation shall be responsible for the Town's reasonable attorney fees and court costs.

SECTION IX. MISCELLANEOUS

1. Liability

Neither the issuance of a permit, nor the compliance with the provisions hereof or with any conditions imposed in the permit issued hereunder, shall relieve the permitted person or entity from the full responsibility for any damage whatsoever to other persons or property, nor impose any liability upon any officer, agent or employee of the Town for damage to persons or property.

2. Severability

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.

3. Repealer.

Local law No. 2 of 2016, and all amendments thereto, regulating Timber Harvesting in the Town of Hunter, is hereby repealed.

4. Effective Date

This local law shall become effective upon the date it is filed in the Office of the New York Secretary of State.