

TOWN OF HUNTER
Local Law No. XX of the year 2015

THE TOWN OF HUNTER TIMBER HARVESTING LAW

A LOCAL LAW regulating Timber Harvesting in the Town of Hunter.

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 adjacent lands, water quality, and public roads and infrastructure. The purpose of this local law is to protect the Town's 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*.

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

Cord: Cut wood stacked four feet high by four feet wide by eight feet long. A standard cord is equivalent to 128 cubic feet.

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

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

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. Timber harvesting shall not include:

1. Harvesting of up to 20 cords/year of trees and firewood for the personal use of the property owner's family.
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 sugarbush.

SECTION IV. 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 permit issued by the Town CEO.

SECTION V. 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 Town Clerk 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, the expected volume of the harvest, 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 required fee will be waived for those land owners with a Real Property Tax Law §480-a management plan, a forest stewardship plan, or other qualified management plan approved by NYSDEC.
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 complete Timber Harvesting Permit Application to the Town Highway Superintendent and to the Greene County DPW or NYSDOT as applicable. A site inspection shall 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.

5. The Town Highway Superintendent shall estimate the funds needed, if any, for repair of potential highway damage and shall make a recommendation to the Town Board. Upon authorization from the Town Board, the CEO shall notify the applicant of the amount necessary to be filed with the Town Clerk for future highway repair. These funds shall be placed in an escrow account and any unused funds shall be returned to the application upon completion of site reclamation and a final inspection by the CEO.
6. The CEO will send a copy of all permit applications to the Greene County Soil and Water Conservation District and NYSDEC Region 4.
7. The CEO shall issue the Timber Harvesting Permit to the applicant upon determination that it complies with the standards in Section VI. The permit shall expire six months after the approximate end of harvest as noted in the permit application.

SECTION VI. Timber Harvesting Standards

1. The Town highly recommends that all timber harvest applicants work with a qualified forester 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. 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 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, 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 shall 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 are subject to inspection by the Town to ensure compliance with this provision and shall include:
 - A. Haul roads, skid trails and landings shall have permanent erosion control and drainage structures installed. Waterbars, dips, diversion ditches or other appropriate 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.

SECTION VII. 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.

2. Violations

- A. Failure to Notify the Town. Upon determination by the CEO that a timber harvesting operation was undertaken without a permit he 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.

SECTION VIII. 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. Effective Date

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