

**Town of Northumberland
LOCAL LAW # 1 OF 2006**

A Local Law to provide for Commercial Timber Harvesting Regulations

Be it enacted by the Town Board of the Town of Northumberland as follows:

Section 1. Intent and Purpose

The general purpose and intent of this law is to promote the general health, safety and welfare of town residents by protecting and preserving the natural environment as affected by commercial timber harvesting. The Town of Northumberland recognizes that timber resources are an important and valuable renewable resource which may be harvested. The Town also recognizes that if timber harvesting activities are poorly carried out they can result in significant environmental damage. This law is intended to insure the harvesting of renewable timber resources, within the Town of Northumberland, follow accepted, sound timber harvesting practices and guidelines designed specifically for the protection of the land and water resources of the State of New York.

Section 2. Definitions

Best Management Practices: Devices and procedures to be considered and used as necessary to protect the values and functions of forested land during harvesting and other forest management operations. The New York State Guidelines for Timber Harvesting and New York State Forestry BMP Field Guide are recommended resources.

Board Foot: Measure of lumber 12" x 12" x 1"

Zoning Administrator: The official designated by the Town Board to enforce the provisions of this Law.

Commercial Timber Harvesting: Any timber harvesting or logging activity which involves the cutting and removal of trees to be sold in any quantities greater than 20 standard cords or 15,000 board feet on any one deeded parcel of land, within any consecutive 12 month period.

Professional Forester: A graduate forester from an accredited forestry college who has at least two years experience in forest management or timber harvest; and/or listed as a cooperative forester within the NYS Department of Environmental Conservation's Cooperative Forester Program.

Standard Cord: Wood cut and stacked measuring 4'x4'x8' (128 cubic feet).

Section 3. Permit Requirements

No agent, person, firm, partnership, corporation or other entity (hereafter referred to as "person") shall engage in commercial timber harvesting as defined in this Law without a permit issued by the Town of Northumberland Zoning Administrator.

Any person desiring to engage in commercial timber harvesting in the Town shall file a commercial timber harvesting permit application with the Town Zoning Administrator, together with the following:

- Payment of the permit fee, in an amount which shall be set from time to time by resolution of the Town.
- A description or sketch map of the location of the property showing the area to be harvested and the location of the landing(s).
- A written commercial timber harvesting plan, as prepared by a professional forester, indicating the estimated amount (MBF or cords) of wood being harvested and showing best management practices will be followed during the harvesting operation.

A commercial timber harvesting permit shall be issued by the Town Zoning Administrator, if the application demonstrates compliance with the intent of this Law. For purposes of SEQRA, the issuance of a commercial timber harvesting permit pursuant to the aforementioned procedures shall be considered a Type 2 ministerial action and not subject to SEQRA.

Section 4. Enforcement

- A. Notice to Town Officials: Upon the issuance of a commercial timber harvesting permit, the Town Building and Zoning Administrator shall notify the Town Supervisor and Town Highway Superintendent 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 5. 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 6. Violations

- A. Failure to notify the Town: Upon determination by the Town Zoning Administrator that a logging operation was undertaken without notification to the Town of Northumberland, he or she shall serve upon the property owner an initial order in writing to cease and desist immediately and shall direct that a commercial timber harvesting permit application be filed within five (5) working days after the serving of such order.
- B. Notice to appear in court: If, after the expiration of such five (5) day period, the commercial timber harvesting permit application is not filed, the Town Zoning Administrator shall serve a written notice upon the owner requiring him to appear before the Town Justice of the Town of Northumberland at a time to be specified in such notice which shall not be less than forty-eight hours after service of notice.
- C. Fine/Imprisonment: The Town Justice may, after a hearing at which the testimony and witnesses of the Town Zoning Administrator and violator shall be heard, fine the violator an amount not less than \$250 or more than \$2,500, per violation or imprison said violator for a period of not more than 15 days. Each continued day of violation shall constitute a separate violation.

Section 7. Appeals

There may be situations where strict adherence to certain provisions of this law is impossible or impractical. The Town Board shall have the power, upon an appeal from a decision or determination of the Town Zoning Administrator, to grant variances from the strict application of this Law.

Section 8. 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 9. Effective Date

This Law shall take effect immediately upon filing in the office of the Secretary of State of the State of New York.