

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County _____
City of Hillsdale
Town _____
Village _____

Local Law No. 2 of the year 2008

A local law A Local Law Requiring Logging Permits in the Town of Hillsdale, Columbia County, New York
(Insert Title)

Be it enacted by the _____ Town Board _____ of the

County _____
City of Hillsdale _____ as follows:
Town _____
Village _____

SECTION 1. FINDINGS

The Town Board finds that the environmental, economic, and aesthetic importance of maintaining healthy and productive forest lands requires the periodic commercial harvesting of standing timber. The Board further recognizes the importance that timber harvesting practices be conducted in accordance with professionally developed, sustainable forest management plans, following the guidelines of the New York State Forestry Best Management Practices (BMP) field guide. The Board further recognizes that timber harvesting and land clearing also occurs in connection with and/or as a precursor to the use of land for development purposes, which land development is subject to the use regulations of the Town of Hillsdale Zoning and Land Use Control Law, including the regulations of the Town of Hillsdale Ridgeline Overlay District (Local Law #6, 2007)

SECTION 2. PURPOSE

The purpose of this Local Law is to require the issuance of a permit by the Town of Hillsdale prior to the commencement of any timber harvesting or land clearing activities in the Town.

SECTION 3. PROHIBITION

It shall be unlawful for any person or entity to engage in logging, timber harvesting, or land clearing activity in the Town of Hillsdale without a permit for the same having been issued in accordance with the provisions of this Local Law, or the provisions of the Town of Hillsdale Zoning and Land Use Control Law.

SECTION 4. PERMITS REQUIRED

A. Any person or entity proposing to engage in commercial logging or forestry harvesting operations as part of a sustainable forest management plan within the Town of Hillsdale shall first obtain a permit for the same from the town Code Enforcement Officer, or such other individual designated for such purpose by the Town Board. Such permit shall be for a twelve-month period, and may be extended for an additional six-month period, provided that the operations continue to comply with the provisions of this local law and the application for the property for which the permit was issued.

B. The permit application shall be made on an official form entitled "Application for Logging Permit" and shall be accompanied by an application fee in an amount determined from time to time by resolution of the Town Board. The application shall include the following:

1. The property owner's name, address, and telephone number.
2. The property location, including street address, approximate acreage, and tax map parcel identification number.
3. A forest management plan prepared by a natural resource professional (qualified forester) which shall include:
 - a. A map of the harvest site.
 - b. The estimated harvest volume.
 - c. A topographic map showing the property and sale area boundaries, haul and a skid-road layout, Planned Best Management Practices identified, landings located, and public road access identified.
 - d. Anticipated dates of harvest.
 - e. Silvicultural objectives.
 - f. Copies of any required permits from the New York State Department of Environmental Conservation.
4. The plan preparer's qualifications.

5. The name, address, and telephone number of the individual or company performing the timber harvest.
6. A curb-cut permit from the Town Highway Superintendent, Columbia County Director of Public Works, or New York State Department of Transportation.
7. A written representation from the property owner that the application for the permit is made for forestry management purposes only, is not made for subdivision and/or development purposes, and that the applicant understands that by reason of the applicant's representation, the Town of Hillsdale will not subsequently approve any application for the subdivision or change of use of the property which is the subject of the logging permit for a period of five years from the date of the permit.
- D. Any person or entity proposing to engage in logging, timber harvesting, or land clearing operations other than for purposes of maintaining a sustainable forest management plan as provided for under subparagraphs A and B above, shall be subject to and shall proceed under the provisions of the Town of Hillsdale Zoning and Land Use Control Law, including the Ridgeline Overlay District Regulations (Local Law #6, 2007), and shall obtain all necessary approvals and permits required thereunder prior to commencing timber harvesting and/or land clearing activities.

SECTION 5. AGRICULTURAL EXCEPTION

Nothing contained in this Local Law shall be deemed applicable to the harvesting of timber or the clearing of land by individuals or entities actively engaged in existing agricultural operations for the sole purpose of developing agricultural land for crops or the pasturing of animals in an agricultural district. Notwithstanding the foregoing exception, individuals or entities, actively engaged in agricultural operations and wishing to harvest timber or clear land within the Ridgeline Overlay District shall file a written representation with the town that such timber harvesting and/or land clearing is not made for subdivision and/or development purposes, and that the property owner understands that by reason of the applicant's representation, the town of Hillsdale will not subsequently approve any application for the subdivision or change of use of the property for a period of five (5) years from the date of such written representation.

SECTION 6. TOWN ROAD AND PUBLIC HIGHWAYS

- A. All logging/pulp wood loading operations shall be conducted at a loading site off of the Town right-of-way and beyond the established ditch line of public roads. Ditches shall be kept clear of all debris and residue.
- B. Loading or skidding of logs shall not be permitted on town roads.

- C. During soft ground conditions, the permit holder will use crushed stone, wood chips or any other approved material on access roads to prevent the tracking of excess amounts of mud or other material onto the town road.
- D. Plans for access off and onto town roadways must be approved by the Town Highway Superintendent.
- E. Any damage to town roads shall be repaired by the applicant, at its sole cost, to the satisfaction of the town highway superintendent.

SECTION 7. DEFINITIONS

Timber Harvesting: The felling of trees, skidding of timber to a roadside landing, processing timber into logs or bolts, and transporting those materials over roads to a primary processing facility.

Land Clearing: The clearing or removal of topsoil and ground cover, or the cutting of more than 50% of the trees of 6-inch diameter, or greater, at breast-height from an area of land exceeding three acres in size.

SECTION 8. FEES:

- A. The Town Board shall establish by resolution the fee which is to be charged, collected, and received for the granting of each permit required under this Local Law. Such fee shall be paid in advance on the submission of the permit application and the failure to submit such payment shall render the application incomplete.
- B. In connection with the permit application, the applicant shall also pay in advance into an escrow fund established by the Town a sum established to cover the anticipated costs for the review of such permit application including the cost of a consulting forester for the review of the applicant's forestry management plan and for compliance with the New York State Forestry Management Practices Guidelines.

SECTION 9. ENFORCEMENT/PENALTIES

- A. A violation of this Local Law shall constitute an offense punishable by a fine not exceeding \$350.00, or imprisonment for a period not to exceed six months, or both for conviction of a first offense. Conviction of a second offense, committed within one year of the first offense, is punishable by a fine not less than \$350.00 or more than \$700.00, or by imprisonment for a period not to exceed six months, or both. Conviction of a third subsequent

offense committed within a period of five years is punishable by a fine of not less than \$700.00 or more than \$1,000.00, or imprisonment for a period not to exceed six months, or both.

B. The failure of the holder of a permit issued under subparagraphs A and B of Section- 4 this Local Law to comply with the provisions such permit, or the provisions of the New York State Forestry Best Management practices, or the failure to comply with the provisions of the application for the permit which is issued based on the same, shall result in the immediate revocation of the logging permit by the Code Enforcement Officer or other individual designated by the Town Board. Commercial loggers who fail to comply with the requirements of this local law shall be ineligible for any future logging permits within the Town of Hillsdale, for a period of five (5) years.

C. In the event of the harvesting of timber within the Town of Hillsdale for other than sustainable forest management purposes without a permit for the same having been issued under the provisions of the Town of Hillsdale Zoning and Land Use Control Law, including the Ridgeline Overlay District regulations (Local Law #6, 2007), no building permit, subdivision approval, or other land use permit shall be issued for such property or to such property owner for a period of five years from the date of discovery of such violation and the issuance of a notice of violation for the same by the town Code Enforcement Officer.

D. A person who violates any provision of this Local Law shall also be liable to the people of the Town of Hillsdale for a civil penalty not to exceed \$1,500.00 for each violation. In addition, such person shall also be required to undertake and complete all restoration work for the repair of damage to town roads, damage to adjacent properties, and any land clearing which has been made in accordance with the provisions of this Local Law or the provisions of the regulations of the Town of Hillsdale Ridgeline Overlay District (Local Law #6, 2007)

E. In addition to the above, the Town Board shall have the right to seek injunctive and equitable relief to restrain and/or remedy any violation of the provisions of this Local Law.

SECTION 9. SEVERABILITY CLAUSE

If any section of part of this Local Law is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section of this Local Law.

SECTION 10. EFFECTIVE DATE

This local law shall take effect immediately.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2008 of the (County)(City)(Town)(Village) of Hillsdale Town Board on January 15, 2008, in accordance with the applicable provisions of law. (Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of the (County)(City)(Town)(Village) of _____ on _____, and was (approved)(not disapproved)(repassed after *(Name of Legislative Body)* disapproval) by the _____ and was deemed duly adopted on _____, *(Elective Chief Executive Officer*)* in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of the (County)(City)(Town)(Village) of _____ on _____, and (approved)(not disapproved)(repassed *(Name of Legislative Body)* after disapproval) by the _____ on _____. Such local law was submitted to *(Elective Chief Executive Officer*)* the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of the (County)(City)(Town)(Village) of _____ on _____, and (approved)(not disapproved) *(Name of Legislative Body)* after disapproval) by the _____ on _____. Such local law was subject to *(Elective Chief Executive Officer*)* permissive referendum and no valid petition requesting such referendum was filed as of _____, in accordance with the applicable provisions of law.

***Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.**

5. (City local law concerning Charter revision proposed by petition.)


I hereby certify that the local law annexed hereto, designated as local law No. _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____, _____ became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____, _____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

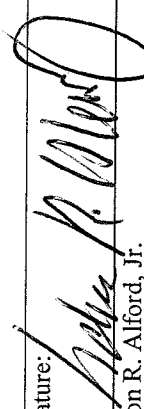

Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body
JULIE KANE, Town Clerk
(Seal)

Date: January 15, 2008

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF COLUMBIA

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature: 
Nelson R. Alford, Jr.
Town Attorney
Title
County
City
Town of Hillsdale
Village
Date: January 15, 2008