

# Model Logging Notice Ordinance

## Section I – Purpose and Authority

Pursuant to the authority granted to the Sumter County Commission under Ala. Code § 23-1-80.1 and in accordance with the provisions of that statute, therefore be it ordained by the Sumter County Commission as follows:

The Sumter County Commission finds that it is in the best interest of the citizens of the county to adopt and implement this Ordinance to require that all timber owners submit proper notice to the county commission prior to initiating any timber harvesting activities or utilizing any county roads or bridges for delivery of pulpwood, logs, poles, posts, or wood chips to any wood yard or processing plant.

## Section II – Jurisdiction

This Ordinance shall only apply within the unincorporated areas of the county for activities governed by this Ordinance at access points within the county and on county-maintained roads or bridges. This Ordinance shall be read in addition to and not in place of any other ordinances, rules, or regulations promulgated regarding permissible uses of county roads, bridges and rights of way in the unincorporated areas of the county.

## Section III -- Definitions

For the purposes of this Ordinance, the following terms shall have the following meanings:

- (1) **Activities Governed by this Ordinance.** The harvesting of timber and/or the utilization of county roads, bridges and rights of way for the delivery of pulpwood, logs, poles, posts, or wood chips to any wood yard or processing plant by a timber owner or his or her representatives, employees, or contractor.
- (2) **Contractor.** Any person or firm who has executed a written or oral agreement with a timber owner to perform one or more of the activities governed by this Ordinance.
- (3) **Driveway or Access Management Policy.** A policy adopted by the county commission to provide criteria and conditions which must be met by any person or firm desiring to access or connect to county roads, bridges or rights of way.
- (4) **Existing Access Point.** A location where the timber owner desires to utilize a county road or right of way for accessing a tract of land for activities governed by this Ordinance, which will be either:
  - (a) If the county has a driveway or access management policy, a location which (i) has previously been approved, permitted, or grandfathered by the county through the county's driveway or access management policy and has been previously used to access the tract, or (ii) has not been approved or permitted under the county's driveway or access management policy, but has been previously used to access a tract of land unless the county rebuts the presumption that the location is an existing access point.
  - (b) If the county does not have a driveway or access management policy, a location that has been previously used to access a tract of land.
- (5) **New Access Point.** A location to access a tract of land for activities governed by this Ordinance that has not previously been used to access the tract of land.
- (6) **Regular Office of the County Commission.** The Sumter County Road Department.

- (7) **Route.** The county road, bridge or right of way to be utilized for activities governed by this Ordinance.
- (8) **Timber Owner.** A timber owner is any one of the following:
- (a) The person or firm who has legal title to timber when the timber enters a county road.
  - (b) Any person or firm that has entered into a contract with a landowner for the purposes of severing timber and delivering pulpwood, logs, poles, posts, or wood chips to any wood yard or processing plant.
  - (c) A landowner who harvests his or her own timber and delivers pulpwood, logs, poles, posts, or wood chips to any wood yard or processing plant.
- (9) **Tract.** A specified parcel of land.
- (10) **Business Day.** Any day that the Sumter County Road Department is open, which days and hours of operation are currently Monday through Friday from 7:00 a.m. to 3:30 p.m. and are at all times posted at the offices of the Sumter County Commission.
- (11) **Road and bridge fund.** Any county fund in which monies are earmarked specifically for road and bridge projects.

#### **Section IV – Notice Requirement**

The notice requirements set out herein shall be applicable to any use of county roads, bridges and rights of way for activities governed by this Ordinance, which are carried out by a timber owner, his or her representatives or employees, or a contractor. No county road, bridge or right of way shall be utilized by a timber owner, his or her representatives or employees, or a contractor until and unless the timber owner has fully complied with the provisions of this section.

- (a) **Notice Submission.** Prior to any use of the county road or roads for activities governed by this Ordinance, a timber owner shall provide prior notice of such intent under the procedures set out herein.

Notice shall be given for each separate tract of land the timber owner intends to utilize for activities governed by this Ordinance. If the timber owner intends to utilize the roads, bridges, or rights of way in any other county, he or she shall also notify that county under the provisions of Ala. Code § 23-1-80.1, if that county has adopted an Ordinance in accordance with that statute.

All notices shall be delivered to the regular office of the county commission, which for the purposes of this Ordinance shall be the Sumter County Road Department, located at 100 Buckroe Place, P.O. Box 328, Livingston, AL 35470, [sumterengr@gmail.com](mailto:sumterengr@gmail.com), [scrd@uwa.edu](mailto:scrd@uwa.edu), and fax number (205) 652-6145 (include all contact information for mail, e-mail, and fax). Notice may be submitted in person, facsimile, electronic mail, or regular mail; however, in determining method of delivery, the timber owner shall be aware that he or she shall not be in compliance with this Section unless timely notice is provided as set out in subsection (b) and he or she either receives a PROPER NOTICE CONFIRMATION as provided in subsection (d) or receives no response from the county engineer within the timeframes set out in subsections (b) and (d)(4). Therefore, no activities governed by this Ordinance may commence until and unless the timber owner has fully complied with all requirements.

- (b) **Time for Providing Notice.** All notices shall be delivered in a timely manner as follows:

- (1) If the planned activities governed by this Ordinance will require use of a new access point to the tract of land where such activities will take place, the timber owner shall provide four business days' notice to the county commission as provided herein.
  - (2) If the planned activities governed by this Ordinance will require use of an existing access point for the tract of land where activities governed by this Ordinance will be conducted, the timber owner shall provide two business days' notice to the county commission as provided herein.
- (c) **Form of Notice.** The notice shall be submitted on the NOTICE OF COUNTY ROAD USAGE BY TIMBER OWNER Form, attached hereto as Appendix A (hereinafter "NOTICE"). The NOTICE shall include each of the following:
- (1) A map or legal description of the area which identifies the location of the tract of land where activities governed by this Ordinance will be conducted and the access point or points to the tract from a county road;
  - (2) A statement regarding whether the access point or points are new or existing point or points;
  - (3) Details outlining how access will be accomplished while maintaining the normal drainage features on the public road;
  - (4) The expected routes upon county roads, bridges and rights of way related to the activities governed by this Ordinance;
  - (5) The estimated acreage of the tract of land where activities governed by this Ordinance will be performed;
  - (6) The estimated date that access to the county roads, bridges and rights of way will commence for activities governed by this Ordinance;
  - (7) The name, address, and daytime telephone number of the timber owner;
  - (8) The name, address, and daytime telephone number of any contractor to be involved in activities governed by this Ordinance if not the same as the timber owner; provided, however, that if the contractor is not known at the time notice is submitted, the timber owner shall provide this information prior to accessing the county roads, bridges and rights of way;
  - (9) The name and address for the timber owner's liability insurance carrier;
  - (10) The name and address of the liability insurance carrier for any contractor to be involved in activities governed by this Ordinance if not the same as the timber owner; provided, however that if the contractor is not known at the time notice is submitted, the timber owner shall provide the information prior to accessing the county roads, bridges and rights of way.
- (d) **Notice Review Required.** The county engineer shall review each NOTICE received and take the following actions as appropriate:

- (1) **Proper Notice Received.** If the county engineer determines that the NOTICE submitted complies with the requirements of this Ordinance and Ala. Code § 23-1-80.1 and that the access points, steps to protect proper drainage, and roads and bridges intended to be utilized by the timber owner are adequate and do not create safety or other concerns, he or she shall forward to the timber owner a PROPER NOTICE CONFIRMATION within the timeframes set out in subsection (d)(4). The PROPER NOTICE CONFIRMATION form is attached hereto as Appendix B.

If the PROPER NOTICE CONFIRMATION has been issued as provided herein, no other notice shall be required by the timber owner during the period of time the properly submitted NOTICE is in effect, except in the event of a violation of the NOTICE as set out in Section V. If a timber owner has received a CITATION under Section V(b), no new notice applications shall

be accepted until all fines and penalties have been properly paid to the county commission as provided in Section V(c).

- (2) **Advisory Communication Regarding Planned Activities.** If the NOTICE submitted by the timber owner includes information indicating problems with intended actions by the timber owner, the county may issue an advisory to the timber owner within the timeframes set out in subsection (d)(4) advising that the NOTICE received from the timber owner includes all of the information required to be submitted under this Ordinance, but that there are problems with one or more of the planned activities.
- (3) **Notice Deficiency.** If the NOTICE submitted is deficient in any respect, the county engineer shall forward to the timber owner a NOTICE OF DEFICIENCY within the timeframes set out in subsection (d)(4). The NOTICE OF DEFICIENCY form is attached hereto as Appendix C. The NOTICE OF DEFICIENCY shall set out the areas in which the NOTICE submitted by the timber owner is deficient and shall provide guidance on how to correct the deficiencies.

No activities governed by this Ordinance shall be conducted by the timber owner, his or her representatives, or employees, or contractor until such time as the deficiencies have been corrected, a corrected NOTICE submission has been delivered to the county highway department, and a PROPER NOTICE CONFIRMATION has been forwarded to the timber owner by the county engineer within the timeframes set out in subsection (d)(4).

Any timber owner, including his or her representatives, or employees, or contractor, who proceeds with any activities governed by this Ordinance prior to correcting the identified deficiencies and receiving a PROPER NOTICE CONFIRMATION shall be subject to penalties for failure to comply with notice requirements as set out herein.

- (4) The county engineer shall respond to each NOTICE submitted by the timber owner within four business days of receipt if the planned activities require use of a new access point and within two business days of receipt if the planned activities require use of an existing access point. If the timber owner does not receive a written response from the county engineer within these timeframes, he or she may proceed with activities as set out in the NOTICE. However, if the timber owner has received a NOTICE OF DEFICIENCY, he or she shall not conduct any activities governed by this Ordinance until such time as the deficiencies have been corrected, a corrected NOTICE submission has been delivered to the county highway department, and a PROPER NOTICE CONFIRMATION has been forwarded to the timber owner by the county engineer within the timeframes set out herein.
- (e) **Notice Period.** A NOTICE properly submitted as evidenced by receipt of a PROPER NOTICE CONFIRMATION shall authorize the timber owner to conduct activities governed by this Ordinance as described in said NOTICE for a period of twelve (12) months from the date the PROPER NOTICE CONFIRMATION is issued by the county engineer. The county commission may grant the timber owner one six-month extension to conduct activities governed by this Ordinance as described in the NOTICE upon written request from the timber owner received by the county engineer prior to the date of expiration of the NOTICE.
- (f) **Suspension of Notice Requirements.** Pursuant to Ala. Code § 23-1-80.1, in the event the Governor of the State of Alabama declares a state of emergency as a result of an event that causes damage to

timber within the county, the notification requirements set forth herein are suspended during the time period in which the Governor's proclamation remains in effect.

## Section V – Penalties for Noncompliance

- (a) **Warning.** A timber owner who fails to comply with the notice requirements set out in Section IV or fails to comply with the terms of a properly submitted NOTICE shall be provided one written WARNING granting the timber owner the opportunity to properly comply with the notice requirements or the terms of the properly submitted NOTICE. The WARNING form is attached hereto as Appendix D. The WARNING shall be personally delivered by the county license inspector to the timber owner or to his or her representatives, employee, or contractor located at the site where a violation of the notice requirements or of the terms of a properly submitted NOTICE has occurred. The person to whom the WARNING is issued shall acknowledge in writing receipt of the WARNING at the time delivered. If the timber owner is not at the site where the WARNING is issued, a copy of the WARNING with the signed acknowledgment shall be immediately forwarded to the timber owner by facsimile or email and U.S. mail.

In the event the WARNING is issued for the failure to properly submit a NOTICE as required in Section IV, including the failure to correct any deficiencies in a submitted NOTICE as set out in Section IV(d), all activities governed by this Ordinance shall cease immediately upon receipt of the WARNING until such time as the timber owner has properly complied with the notice requirements set out in Section IV and has received a PROPER NOTICE CONFIRMATION from the county engineer.

In the event the WARNING is issued for failure to comply with the terms of a properly submitted NOTICE, the non-compliant activities shall cease immediately. Any continued activities in violation of the terms of the NOTICE shall result in the issuance of a CITATION as set out in subsection (b).

- (b) **Issuance of Citation.** If the timber owner fails to comply with the notice requirements set out in Section IV or fails to comply with the terms of a properly submitted NOTICE following receipt of a WARNING as provided in subsection (a), he or she shall be issued a CITATION for noncompliance by a county license inspector appointed by the county commission as authorized in Ala. Code § 23-1-80.1. (See also Ala. Code § 40-12-10.) The CITATION form is attached hereto as Appendix E.

The procedure for issuing the citation shall be as provided for issuance of the WARNING as set out in subsection (a). The CITATION shall be personally delivered to the timber owner or to his or her representatives, employee, or contractor located at the site where a violation of the notice requirements or of the terms of a properly submitted NOTICE has occurred. The person to whom the CITATION is issued shall acknowledge in writing receipt of the CITATION at the time delivered. If the timber owner is not at the site where the CITATION is issued, a copy of the CITATION with the signed acknowledgment shall be immediately forwarded to the timber owner by facsimile or email and U.S. mail.

- (c) **Assessment of Fines.** A timber owner who has been issued a CITATION as set out in subsection (b) shall be fined five hundred dollars (\$500) per day for each day that he or she is in violation of the provisions of this Ordinance or that he or she fails to comply with the provisions set out in a WARNING issued under subsection (a). All fines collected shall be payable to the county commission and deposited into the county's road and bridge fund.

The county license inspector appointed to enforce this Ordinance shall assess all fines from the date of issuance of the CITATION until such time as he or she receives satisfactory proof that the violation or violations are no longer taking place. The county license inspector shall notify the timber owner in writing of the total amount assessed in fines for the violation or violations of this Ordinance, with instructions to make full payment of all fines payable to the county commission within 10 days of the date of the notice of final assessment of fines. No new notice applications shall be accepted by the

county commission from the timber owner until and unless all fines have been properly paid as set out in the county license inspector's final assessment of fines.

- (d) **Injunction.** In addition to the issuance of a citation and assessment of a \$500 fine for each day the timber owner is in violation of this Ordinance, the county commission may bring a civil action in a court of competent jurisdiction in the county to enjoin the timber owner, his or her representatives or employees, or a contractor from conducting activities governed by this Ordinance in violation of this Ordinance. All court actions shall be filed and conducted in accordance with the Alabama Rules of Civil Procedure and the laws of this state.
- (e) **Requirement to Post Security.** If any timber owner has been cited for any violations of this Ordinance on three separate occasions within a 24-month period as set out in this section, the county commission shall require the timber owner to post security as a condition of utilizing the county roads, bridges, and rights of way for activities governed by this Ordinance. Security shall be set in an amount determined by the county commission to be adequate for any damage resulting to county roads or bridges from the use of such roads and bridges by the timber owner or his or her representatives, employees or contractors.

## **Section VI – Liability of Timber Owner**

Compliance with the notice provisions of this Ordinance shall in no way operate to relieve the timber owner or his or her representatives, employees, or contractors from liability for any damages which may arise from their use of public roads, bridges or rights of way in the county. Additionally, the issuance of a PROPER NOTICE CONFIRMATION shall in no way constitute an act on behalf of the county which shall result in the county commission, the county engineer, or any employees of the county commission being held liable in any matter arising from the actions or inactions of the timber owner, of his or her representatives, employees, or contractors.

## **Section VII – Relation to Other Laws**

This Ordinance is intended to comply with the provisions of Ala. Code § 23-1-80.1 regarding a timber owner providing notice of intent to utilize county roads and bridges for activities governed by this Ordinance. Nothing in this Ordinance shall be viewed as a limitation on Sumter County's general superintendence of the roads and bridges within its jurisdiction or its authority to promulgate and enforce rules and regulations related thereto as provided in Ala. Code § 23-1-80, Ala. Code § 11-3-11, or any other general or local laws applicable to the county. Additionally, nothing in this Ordinance shall in any way limit or affect the county's authority to regulate and enforce any laws governing the use of or damage to a county-maintained road or bridge or a county right of way.

## **Section VIII -- Amendments**

The county commission may adopt amendments to this Ordinance at a regularly scheduled meeting of the county commission; provided, however, that any adopted amendments shall not take effect for thirty (30) days after the action of the county commission. All forms referenced in this Ordinance may be altered or amended by the county commission as necessary and appropriate without amendment to the Ordinance; provided that each form being utilized by the county commission pursuant to this Ordinance shall at all times be attached as an Appendix to the Ordinance.

## **RESOLUTION APPOINTING LICENSE INSPECTOR**

**WHEREAS**, Ala. Code § 23-1-80.1(j) authorizes the county commission to appoint a license inspector to enforce the provisions of any ordinance adopted by the county commission pursuant to authority granted in Ala. Code § 23-1-80.1(a); and

**WHEREAS**, under authority of Ala. Code § 23-1-80.1 the Sumter County Commission did adopt a Logging Notice Ordinance at its February 11, 2013 meeting, effective on a future date to be determined by the Commission; and

**WHEREAS**, the Sumter County Commission does desire that the enforcement of this ordinance, including the issuance of citations as authorized under the law and ordinance, be delegated to a county license inspector specifically charged with the enforcement of same; and

**WHEREAS**, the Sumter County Commission does hereby appoint Anthony Crear, Steven Fitzgerald, Eddie Speight, Arthur Townsend, and Willie Boyd as the county license inspector charged with the enforcement of the Sumter County Logging Notice Ordinance.

**BE IT RESOLVED BY THE SUMTER COUNTY COMMISSION** that it does hereby appoint Anthony Crear, Steven Fitzgerald, Eddie Speight, Arthur Townsend, and Willie Boyd as the county license inspector charged with the enforcement of the Sumter County Logging Notice Ordinance.

**BE IT FURTHER RESOLVED** that a copy of this Resolution shall be attached to the Sumter County Logging Notice Ordinance.

**IN WITNESS WHEREOF**, the Sumter County Commission has caused this Resolution to be executed in its name and on its behalf by its Chair on this the 11th day of February, 2013.

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Chairman, Sumter County Commission



## **INSTRUCTIONS FOR NOTICE OF COUNTY ROAD USAGE BY TIMBER OWNER**

Section IV of the Sumter County Logging Notice Ordinance ("Ordinance"), adopted by the Sumter County Commission pursuant to Ala. Code § 23-1-80.1, requires a timber owner intending to conduct activities governed by the Ordinance to first submit a NOTICE OF COUNTY ROAD USAGE BY TIMBER OWNER ("NOTICE") to the Sumter County Road Department for review by the county engineer. A copy of the Ordinance is available at the Sumter County Road Department .

The completed NOTICE may be delivered by fax, email, U.S. Mail or hand delivery to:

Sumter County Road Department (address)  
100 Buckroe Place, P.O. Box 328  
Livingston, AL 35470  
[sumterengr@gmail.com](mailto:sumterengr@gmail.com) or [scrd@uwa.edu](mailto:scrd@uwa.edu) (email address)  
(205) 652-6145 (fax number)

A separate NOTICE shall be submitted for each separate tract of land where the timber owner intends to conduct activities governed by the Ordinance.

Additionally, a timber owner using haul routes on county roads in another county shall contact the other county regarding its notice requirements, if any.

The timber owner shall submit the NOTICE **four business days** before commencing any planned activities which will require use of a new access point to the tract of land where such activities will take place and **two business days** before commencing any planned activities which will require use of an existing access point for the tract of land.

If the county engineer determines that the submitted NOTICE provides all required information and that the intended access points and routes are adequate, the timber owner will receive a PROPER NOTICE CONFIRMATION ("CONFIRMATION"). No activities governed by the Ordinance may commence until and unless the CONFIRMATION has been received. Any deficiencies identified by the county engineer shall be adequately addressed as required in the Ordinance before any activities governed by the Ordinance shall commence.

### **IMPORTANT NOTICES**

The Sumter County Commission preserves its general superintendence of the roads and bridges within its jurisdiction including its authority to promulgate and enforce rules and regulations related thereto as provided in Ala. Code § 23-1-80, Ala. Code § 11-3-11 or any other general or local laws applicable to the county.

Compliance with the NOTICE provisions of the County Logging Notice Ordinance shall in no way operate to relieve the timber owner or his or her representatives, employees, or contractors from liability for any damages which may arise from use of public roads, bridges, or rights-of-way in the county.

Additionally, the issuance of a PROPER NOTICE CONFIRMATION shall in no way constitute an act on behalf of the county which shall result in the county commission, the county engineer, or any employees of the county commission being held liable in any matter arising from the actions or inactions of the timber owner, of his or her representatives, employees, or contractors.

Any questions regarding the requirement to provide NOTICE as provided herein or any other county policy or regulation related to use of the county roads, bridges, or rights of way should be directed to, Anthony Crear County Engineer, at (205) 652-9608 or in writing using the above listed contact information.

# GUIDELINE

FOR COUNTY USE ONLY	
Date Submitted to County	Notice No. _____ County-Year-Sequence No.
Date Notice Approved by County	Date Notice Found Deficient by County
<b>NOTICE OF COUNTY ROAD USAGE BY TIMBER OWNER</b> <b><u>SUMTER</u> COUNTY, ALABAMA</b>	
Check one: Harvest & haul <input type="checkbox"/> or Haul only <input type="checkbox"/>	
<b>TIMBER OWNER INFORMATION</b> As defined in Section III (8) of <u>Sumter</u> County's Logging Notice Ordinance, a timber owner is any one of the following: (a) The person or firm who has legal title to timber when the timber enters a county road. (b) Any person or firm that has entered into a contract with a landowner for the purposes of severing timber and delivering pulpwood, logs, poles, posts, or wood chips to any wood yard or processing plant. (c) A landowner who harvests his or her own timber and delivers pulpwood, logs, poles, posts, or wood chips to any wood yard or processing plant.	
Company Name	
Contact Person	
Address	
Daytime Phone Number	
Cell Phone Number	
Fax Number	
Liability Insurance Company Name	
Liability Insurance Address	
Have you received any warnings or citations for violating this or any other county's logging notification ordinance in the last 24 months? If so, provide dates.	

Required fields are shaded dark gray.

# GUIDELINE

## TIMBER TRACT INFORMATION

Is a map and/or a legal description attached to this notice, and are planned access points properly identified?		Yes
		No
Type of Access Point (check which one is applicable):	New (4 business days)	
	Existing (2 business days)	
Location of Timber Tract (Section , Township and Range where Timber Tract is located. Coordinates should be for the planned access point.)	Section	
	Township	
	Range	
	Latitude	
	Longitude	
Estimated Acreage of Timber Tract	Acres	
Estimated Date to Access the County Roads		
Estimated Completion Date		

In order to meet notice requirements, provide details of how the normal drainage features will be maintained on the public road with this access point being utilized. Add sketch or additional information if necessary.

In order to meet notice requirements, provide the expected haul route intended to be used to remove timber from tract to its final destination. The expected haul route shall not include roads and/or bridges which are posted with weight restrictions. A map that indicates the expected haul route may be submitted in lieu of a narrative. The tract location and expected haul routes may be shown on the same map.

Required fields are shaded dark gray.

## GUIDELINE

### CONTRACTOR/SUBCONTRACTOR INFORMATION (LOGGER, HAULER, ETC.)

Company Name

Contact Person

Address

Daytime Phone Number

Cell Phone Number

Fax Number

Liability Insurance Company Name

Liability Insurance Address

### CONTRACTOR/SUBCONTRACTOR INFORMATION (LOGGER, HAULER, ETC.)

Company Name

Contact Person

Address

Daytime Phone Number

Cell Phone Number

Fax Number

Liability Insurance Company Name

Liability Insurance Address

The undersigned hereby attests that all information contained on this NOTICE is true and accurate. I have read and understand the IMPORTANT NOTICES statement contained on the Instruction Sheet accompanying this NOTICE.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

**Required fields are shaded dark gray.**

## PROPER NOTICE CONFIRMATION

Anthony Crear, Sumter County Engineer, hereby acknowledges receipt of a NOTICE OF COUNTY ROAD USAGE BY TIMBER OWNER ("NOTICE"), from \_\_\_\_\_ (insert timber owner's name) on \_\_\_\_\_, 20\_\_ (date notice received). Following review of said NOTICE as required in Section IV(d) of Sumter County Commission's Logging Notice Ordinance ("County Ordinance"), it appears this NOTICE meets the requirements of the Sumter County Ordinance. Therefore, the timber owner may now proceed with activities governed by the County Ordinance as set out in the NOTICE.

Pursuant to Section IV(g) of the County Ordinance, this NOTICE shall remain in effect through \_\_\_\_\_ (notice expiration date), which is twelve (12) months from the date of this confirmation, provided the timber owner is at all times in compliance with the terms of the NOTICE and is not in violation of any other county policy or regulation related to the use of access points or county roads, bridges, or rights of way. Any activities conducted after the expiration date shall be deemed a violation of the County Ordinance.

If the timber owner desires an extension of time to conduct activities as set out in the NOTICE, he or she shall notify the Sumter County Road Department in writing prior to the expiration date on this confirmation. (See, Section IV(e) of the County Ordinance.) A six-month extension may be granted by the county commission upon proper request. However, no activities governed by the Ordinance may be conducted by the timber owner or his or her representatives, employees, or contractors, unless such extension has been granted.

The timber owner is reminded that neither the NOTICE nor this confirmation authorizes the timber owner, his or her representatives, employees, or contractors to conduct any activities in violation of the County Ordinance or any other county policy or regulation governing use of a county access point, road, bridge, or right of way. Additionally, the timber owner is reminded that the NOTICE in no way limits or affects the county's authority to regulate and enforce any laws governing the use of or damage to a county-maintained road, bridge, or county right of way. See, *Code of Alabama 1975, § 23-1-80.1 and Sumter County Logging Notice Ordinance, Section VII.*

Issued this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Sumter County Engineer

## NOTICE OF DEFICIENCY

Anthony Crear, Sumter County Engineer, hereby acknowledges receipt of a NOTICE OF COUNTY ROAD USAGE BY TIMBER OWNER ("NOTICE"), from \_\_\_\_\_ (insert timber owner's name) on \_\_\_\_\_, 20\_\_ (date notice received). Following review of said NOTICE as required in Section IV(d) of Sumter County Commission's Logging Notice Ordinance ("County Ordinance"), it is determined that the NOTICE is deficient in the following respects:

\_\_\_ It does not include a map or legal description of the area identifying the location of the tract of land where activities will be conducted and the access point(s) to the tract from a county road.

\_\_\_ It does not include a statement regarding whether the access point(s) are new or existing point(s).

\_\_\_ It does not include details outlining how access will be accomplished while maintaining the normal drainage features on the public road.

\_\_\_ It does not include the expected routes upon county roads related to planned activities.

\_\_\_ It does not include the estimated acreage of the tract of land where activities will be performed.

\_\_\_ It does not include the estimated date that access to the county roads will commence.

\_\_\_ It does not include the name, address, and daytime telephone number of the timber owner.

\_\_\_ It does not include the name, address, and daytime telephone number of any contractor to be involved in activities.

\_\_\_ It does not include the name and address for the timber owner's liability insurance carrier.

\_\_\_ It does not include the name and address of the liability insurance carrier for any contractor to be involved in activities.

\_\_\_ Other \_\_\_\_\_

The timber owner shall contact the county engineer upon receipt of this notice to address deficiencies. Any activities governed by the County Ordinance conducted by the timber owner or his or her representatives, employees, or contractors before the above-cited deficiencies are corrected and the timber owner receives a PROPER NOTICE CONFIRMATION from the county engineer within the timeframes set out in subsection IV(b) of the Ordinance shall be a violation of the County Ordinance and subject the timber owner to penalties for such violation as set out in Section V of the County Ordinance.

Issued this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Sumter County Engineer

## ADVISORY REGARDING ACCESS POINT

Anthony Crear, Sumter County Engineer, hereby acknowledges receipt of a NOTICE OF COUNTY ROAD USAGE BY TIMBER OWNER ("NOTICE"), from \_\_\_\_\_ (insert timber owner's name) on \_\_\_\_\_, 20\_\_ (date notice received).

Upon careful review, it appears that this NOTICE includes all information required under Section IV(c) of Sumter County Commission's Logging Notice Ordinance ("County Ordinance"). However, you are hereby advised that, pursuant to the county's legal authority to regulate its rights of way under *Ala. Code* § 23-1-80, Sumter County Road Department will not allow access across the county right of way at the point proposed in your NOTICE. The proposed access point is denied for the following reason(s):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ (insert reasons the access point cannot be used).

Since access at the location proposed in the above-referenced NOTICE will be denied, it is recommended that the timber owner contact the county engineer immediately upon receipt of this Notice to propose an alternative access point. The county engineer is available to work with the timber owner or his or her designee to help identify a viable access point.

Please be advised that if the timber owner or his or her representatives, employees, or contractors responds to this advisory by establishing an alternative access point without providing the county notice as required by *Ala. Code* 23-1-80.1 and Section IV(c) of the County Ordinance, the timber owner will be in violation of Section IV of the County Ordinance for failure to properly provide notice as required in Section IV(d) of the County Ordinance. Such violation will subject the timber owner to penalties as authorized by the County Ordinance and *Ala. Code* § 23-1-80.1.

Please also be advised that the timber owner will be held responsible as provided in *Ala. Code* § 32-5-9 for any damage to any county roads, bridges, or rights of way resulting from any activities conducted by the timber owner or his or her representatives, employees, or contractors.

Issued this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Sumter County Engineer

## ADVISORY REGARDING DRAINAGE FEATURES

Anthony Crear, Sumter County Engineer, hereby acknowledges receipt of a NOTICE OF COUNTY ROAD USAGE BY TIMBER OWNER ("NOTICE"), from \_\_\_\_\_ (insert timber owner's name) on \_\_\_\_\_, 20\_\_ (date notice received).

Upon careful review, it appears that this NOTICE includes all information required under Section IV(c) of Sumter County Commission's Logging Notice Ordinance ("County Ordinance"). However, the details outlining how normal drainage features on the public road will be maintained during activities governed by the County Ordinance are inadequate in that \_\_\_\_\_

\_\_\_\_\_ (*insert problems with proposal to maintain normal drainage features*). The county engineer is available to work with the timber owner or his or her designee if there are any questions about the proper measures necessary to maintain proper drainage features during the operation.

Pursuant to the county's legal authority to regulate its roads and bridges under *Ala. Code § 23-1-80*, you are hereby advised that you cannot utilize the access point(s) identified in your NOTICE until the changes set out above are adopted and the Sumter County Road Department receives notice from the timber owner that the necessary changes have been made. Additionally, if the timber owner or his or her representatives, employees, or contractors responds to this notice by establishing an alternative access point without providing the county notice as required by *Ala. Code 23-1-80.1* and Section IV(c) of the County Ordinance, the timber owner will be in violation of Section IV of the County Ordinance for failure to properly provide notice as required in Section IV of the County Ordinance. Such violation will subject the timber owner to penalties as authorized by the County Ordinance and *Ala. Code § 23-1-80.1*.

Please also be advised that the timber owner will be held responsible as provided in *Ala. Code § 32-5-9* for any damage to any county roads, bridges, or rights of way resulting from drainage problems which occur due to any activities conducted by the timber owner or his or her representatives, employees, or contractors.

Issued this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Sumter County Engineer



## ADVISORY REGARDING HAUL ROUTE

Anthony Crear, Sumter County Engineer, hereby acknowledges receipt of a NOTICE OF COUNTY ROAD USAGE BY TIMBER OWNER ("NOTICE"), from \_\_\_\_\_ (insert timber owner's name) on \_\_\_\_\_, 20\_\_ (date notice received).

While it appears that the above-referenced NOTICE includes all information required under Section IV(c) of the Sumter County Commission's Logging Notice Ordinance ("County Ordinance"), you are hereby advised that the proposed haul and delivery route included in the timber owner's NOTICE is unacceptable for the reasons set out below. Therefore, pursuant to the county's legal authority to regulate its roads and bridges as provided in *Ala. Code § 23-1-80*, you are advised not to utilize the proposed route and to give notice as required in the County Ordinance of an alternate haul and delivery route to be utilized for activities governed by the County Ordinance. The county engineer is available to work with the timber owner or his or her designee to help identify a viable route.

The Sumter County Engineer has determined that in his or her professional opinion the proposed haul and delivery route is unacceptable for one or more of the following reasons:

\_\_\_ Use of the proposed route will require crossing a bridge with posted weight limits which log trucks will likely exceed.

\_\_\_ Use of the proposed route will require use of roads with posted weight limits which log trucks will likely exceed.

\_\_\_ Due to current weather conditions, use of the proposed route will result in undue damage to the county roads and/or bridges included in the route.

\_\_\_ Other \_\_\_\_\_ (insert other reasons the haul route cannot be used).

Please be advised that utilizing an alternative haul and delivery route without submitting a new NOTICE to the Sumter County Road Department which identifies the alternate haul and delivery route will be a violation of the notice requirements of the County Ordinance and subject the timber owner to penalties for such violation as authorized by the County Ordinance and *Ala. Code § 23-1-80.1*.

You are also advised that travel on county roads or bridges in excess of established weight limits or in violation of other state or local laws may result in the issuance of citations as authorized under Alabama law. Additionally, the timber owner will be held responsible as provided in *Ala. Code § 32-5-9* for any damage to county roads, bridges, and/or rights of way resulting from any activities conducted by the timber owner or his or her representatives, employees, or contractors.

Issued this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Sumter County Engineer

# WARNING

Warning No. \_\_\_\_\_ Regarding Notice No. \_\_\_\_\_ Date Issued \_\_\_\_\_

This **WARNING** is issued by Sumter County, pursuant to Section V(a) of the Sumter County Logging Notice Ordinance. All inquiries shall be directed to: Sumter County Road Department

100 Buckroe Place, P.O. Box 328 (address)

Livingston, AL 35470

(205) 652-9608 (phone number)

Timber Owner \_\_\_\_\_

Company Name \_\_\_\_\_

Address \_\_\_\_\_

Daytime Phone \_\_\_\_\_

Person Issued Warning at Site (if different from Timber Owner) \_\_\_\_\_

Timber Tract Location \_\_\_\_\_

\*\*\*\*\*

You are hereby issued this WARNING for the following violations of the Sumter County Logging Notice Ordinance, adopted by the Sumter County Commission pursuant to *Code of Alabama 1975, § 23-1-80.1*:

\_\_\_\_ Failure to give proper notice as required in Section IV of the Ordinance

\_\_\_\_ Failure to comply with the terms of notice as described below:

\_\_\_\_\_  
\_\_\_\_\_

\*\*\*\*\*

You are hereby directed to cease all activities being conducted in violation of the Sumter County Logging Notice Ordinance ("Ordinance") as set out above until such time as you are in full compliance with the Ordinance as directed by the Sumter County Engineer. You are further advised that if you continue to conduct activities in violation of the Ordinance, you will be issued a CITATION and subject to penalties pursuant to Section V of the Ordinance, including a fine in the amount of \$500 per day for each day in which you remain in violation of the Ordinance.

In addition to violations of the Sumter County Logging Notice Ordinance, you may be in violation of other county policies or regulations related to use of county roads, bridges, and rights of way and subject to other citations and/or penalties authorized under Alabama law.

Any questions related to this WARNING should be directed to the Sumter County Engineer at (205) 652-9608.

This WARNING is issued by hand delivery to \_\_\_\_\_ (insert name of person receiving the warning). A copy of this WARNING will be sent by fax or email and U.S. mail to the timber owner.

\_\_\_\_\_  
Sumter County License Inspector

## WARNING RECEIPT ACKNOWLEDGEMENT

I acknowledge hand delivery of this WARNING on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

## INSTRUCTION SHEET FOR SERVICE OF WARNING

This WARNING shall be served by hand delivery to the timber owner or his or her representative, employee, or contractor found at the site where the violation of the Sumter County Logging Notice Ordinance has occurred. In the event the timber owner is not at the site and not the person to whom the WARNING is hand delivered, a copy of the WARNING with the signed acknowledgement shall be sent to the timber owner by fax or email and U.S. mail.

Pursuant to Section III(8) of the Sumter County Logging Notice Ordinance, the TIMBER OWNER is defined as any one of the following:

- (a) The person or firm who has legal title to timber when the timber enters a county road.
- (b) Any person or firm that has entered into a contract with a landowner for the purposes of severing timber and delivering pulpwood, logs, poles, posts, or wood chips to any wood yard or processing plant.
- (c) A landowner who harvests his or her own timber and delivers pulpwood, logs, poles, posts, or wood chips to any wood yard or processing plant.

# CITATION

Citation No. \_\_\_\_\_ Regarding Notice No. \_\_\_\_\_ Date Issued \_\_\_\_\_

This CITATION is issued by Sumter County, pursuant to Section V(b) of the Sumter County Logging Notice Ordinance. All inquiries shall be directed to: Sumter County Highway Department

100 Buckroe Place, P.O. Box 328 (address)

Livingston, AL 35470

(205) 652-9608 (phone number)

Timber Owner \_\_\_\_\_

Company Name \_\_\_\_\_

Address \_\_\_\_\_

Daytime Phone \_\_\_\_\_

Person Issued Citation at Site (if different from Timber Owner) \_\_\_\_\_

Timber Tract Location \_\_\_\_\_

\*\*\*\*\*

You are hereby issued this CITATION for the following violations of the Sumter County Logging Notice Ordinance, adopted by the Sumter County Commission pursuant to *Code of Alabama 1975, § 23-1-80.1*:

\_\_\_\_ Failure to give proper notice as required in Section IV of the Ordinance

\_\_\_\_ Failure to comply with terms of notice as described below:

\_\_\_\_\_

This CITATION is issued following a WARNING delivered to the timber owner on \_\_\_\_\_ (insert date).

\*\*\*\*\*

You are hereby directed to cease all activities being conducted in violation of the Sumter County Logging Notice Ordinance ("Ordinance") as set out above and to contact the Sumter County Engineer for instructions on how to correct this violation. You are further advised that, pursuant to Section V(c) of the Ordinance, a fine in the amount of \$500 per day will be assessed for each day in which you remain in violation of the Ordinance. All fines shall be remitted to the Sumter County Road Department, made payable to the Sumter County Commission. You will be issued a final statement of all fines to be paid once activities being conducted in violation of the Ordinance have ceased and the county engineer has issued a written acknowledgment to that effect.

In addition to violations of the Sumter County Logging Notice Ordinance, you may be in violation of other county policy or regulation related to use of county roads, bridges, and rights of way and subject to other citations and/or penalties authorized under Alabama law.

Any questions related to this CITATION should be directed to the Sumter County Engineer at (205) 652-9608.

This CITATION is issued by hand delivery to \_\_\_\_\_ (insert name of person receiving the citation). A copy of this CITATION will be sent by fax or email and U.S. mail to the timber owner.

\_\_\_\_\_  
Sumter County License Inspector

## CITATION RECEIPT ACKNOWLEDGEMENT

I hereby acknowledge hand delivery of this CITATION on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

## INSTRUCTION SHEET FOR SERVICE OF CITATION

This CITATION shall be served by hand delivery to the timber owner or his or her representative, employee, or contractor found at the site where the violation of the Sumter County Logging Notice Ordinance has occurred. In the event the timber owner is not at the site and not the person to whom the CITATION is hand delivered, a copy of the CITATION with the signed acknowledgement shall be sent to the timber owner by fax or email and U.S. mail.

Pursuant to Section III(8) of the Sumter County Logging Notice Ordinance, the TIMBER OWNER is defined as any one of the following:

- (a) The person or firm who has legal title to timber when the timber enters a county road.
- (b) Any person or firm that has entered into a contract with a landowner for the purposes of severing timber and delivering pulpwood, logs, poles, posts, or wood chips to any wood yard or processing plant.
- (c) A landowner who harvests his or her own timber and delivers pulpwood, logs, poles, posts, or wood chips to any wood yard or processing plant.