

Local Law Filing

(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 Town Village
(Select one:)

of Howard

Local Law No. 01 of the year 20 24

A local law Town of Howard Logging Law
(Insert Title)

Be it enacted by the Howard Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one:)

of Howard

as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(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. 01 of 2024 of the ~~(County)(City)(Town)(Village)~~ of Howard was duly passed by the Howard Town Board on March 13 2024, 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 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20____, 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 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

Such local law was submitted to 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 _____ 20____, 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 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. Such local *(Elective Chief Executive Officer*)* law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, 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 20____ 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 inhereon at the (special)(general) election held on _____ 20____, 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 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, 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 _____ above.

Frances Sharp
Clerk of the county legislative body, City, Town or Village Clerk or
officer designated by local legislative body

Date: *March 15, 2024*

(Seal)

Town of Howard Logging Law (2023)

Purpose:

The purpose of this local law is to protect the health, safety and welfare of the residents of the Town of Howard by ensuring that roads and highways within the Town of Howard are protected from damage and maintained in a safe condition.

Commercial logging operations are defined as the cutting, removal and sale of tree trunks that have been cut and stripped of all branches.

Required Notification:

Any person who, after the effective date of this local law, shall commence a commercial logging operation in the Town shall provide notification of such operation as prescribed below to the Town Clerk or the Highway Superintendent at least (10) ten business days before operations are to commence:

1. The name, address and telephone number of the property owner of record;
2. The tax map designation of the premises to be logged;
3. The name, telephone number, any temporary and the permanent address of the person or entity conducting the commercial logging operation;
4. The name, of the road to be utilized in removing logs including anticipated access points;
5. The anticipated period of time the logging operation will last from start to finish.
6. Logger shall indemnify the Town of any liability or damage resulting from its logging activities.

The Town Clerk upon receipt of such notification shall immediately forward the above information to the Highway Superintendent.

Highway Superintendent:

The Town Highway Superintendent shall have the authority to request reasonable actions to mitigate damage and ensure reasonable public safety on and within the public right of way.

The Town Highway Superintendent is furthermore empowered to impose reasonable restrictions as hereinafter set forth when a commercial logging operation may result in the creation of a hazardous condition to residents or damage to Town roads, regardless of weather condition. The Highway Superintendent may require the following of the logging operator:

1. The erection of signs indicating "truck entrance";
2. The installation of temporary culverts and/or planking at the entrance to a logging operation, which abuts a Town road;
3. Off-street parking for all vehicles relating to the commercial logging operation.

Exemption:

Town of Howard property owners who engage in logging activities as heretofore defined solely for their personal use, and not for resale to third parties, as logs, are hereby exempt from the provisions of this local law.

Damage:

If damage occurs on or within the right of way, because of commercial logging:

1. The Town will give the Logger an assessment of the expenses of repairs needed to restore the damage done. The Town may repair the road before logging ends, if necessary to keep the condition of the road safe. The Town will give the Logger notice of the need for repairs along with an assessment to make said repairs.
2. The Logger will have the right to object to the repair assessment. If the Logger objects, an independent assessor will be chosen and agreed upon by the Logger and the Town. The agreed upon assessor will control. The expense of the independent assessor will be borne by the Logger.

The provisions herein which refer to road, property, owner, logger, etc. shall be interpreted to cover one or multiple.

Penalty for failure to Notify:

On the first offense, logger will be given a written notice of first offense which shall be a warning.

On a second offense and any offense thereafter, logger will be given a fine of no less than \$350.00 but no more than \$500.00.

HOWARD LOGGING NOTIFICATION .

OWNER(S)

Name: _____

Address: _____

Contact Info: _____

Name: _____

Address: _____

Contact Info: _____

PROPERTY(IES) INFORMATION

Address: _____

Tax Map #: _____

Address: _____

Tax Map #: _____

LOGGING/FORESTRY ENTITY

Name: _____

Contact Info: _____

Address: _____

(Name) (Position)

I, _____, _____ of above listed Logging/Forestry Entity hereby affirms that the information provided above is current and accurate to the best of my knowledge. I further affirm that I am authorized to act on behalf of the Logging/Forestry Entity named above. I further affirm that the Logging/Forestry Entity has liability insurance or other coverage sufficient to cover ordinary and customary risks and damages associated with the Logging/Forestry profession. The Logging/Forestry Entity hereby indemnifies the Town of Howard from any damages or claims associated with the logging on and associated with the property(ies) listed above. In the event of any damages or claims associated with the logging activity, the Town of Howard will be given our insurance or coverage provider's information upon request. Dated: _____.

Signature: _____

Mail Completed Form to: Town of Howard
3725 Mill Rd.
Avoca, NY. 14809