

Etowah County Logging Notice Resolution

Effective January 1, 2013

Section I – Purpose and Authority

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

The Etowah County Commission finds that it is in the best interest of the citizens of the county to adopt and implement this Resolution 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 Resolution shall only apply within the unincorporated areas of the county for activities governed by this Resolution at access points within the county and on county-maintained roads or bridges. This Resolution shall be read in addition to and not in place of any other resolutions, 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 Resolution, the following terms shall have the following meanings:

- (1) **Activities Governed by this Resolution.** 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 Resolution.
- (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 Resolution, that is 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.
- (5) **New Access Point.** A location to access a tract of land for activities governed by this Resolution that has not previously been used to access the tract of land.
- (6) **Regular Office of the County Commission.** The Etowah County Road Department.
- (7) **Route.** The county road, bridge or right of way to be utilized for activities governed by this Resolution.

(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 Etowah County Road Department is open, which days and hours of operation are at all times posted Monday through Thursday 7:00 a.m. until 5:00 p.m..

(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 Resolution, 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 Resolution, 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 Resolution. 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 Resolution in accordance with that statute.

All notices shall be delivered to the regular office of the county commission, which for the purposes of this Resolution shall be the Etowah County Road Department, located at 402 Tuscaloosa Avenue, Gadsden, AL 35901 Phone: 256-549-5359; Fax: 256-549-2169; or e-mail: CountyRoad@EtowahCounty.org. 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 Resolution 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 Resolution 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 Resolution will require use of an existing access point for the tract of land where activities governed by this Resolution 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 Resolution 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 Resolution;
- (5) The estimated acreage of the tract of land where activities governed by this Resolution 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 Resolution;
- (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 Resolution 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 Resolution 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 Resolution 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 Resolution, 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 Resolution 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 Resolution 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 Resolution 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 Resolution 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 Resolution 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 Resolution 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 Resolution 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 Resolution 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 Resolution, 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 Resolution, 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 Resolution in violation of this Resolution. 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 Resolution 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 Resolution. 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 Resolution 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 Resolution 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 Resolution. Nothing in this Resolution shall be viewed as a limitation on Etowah 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 Resolution 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 Resolution 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 Resolution may be altered or amended by the county commission as necessary and appropriate without amendment to the Resolution; provided that each form being utilized by the county commission pursuant to this Resolution shall at all times be attached as an Appendix to the Resolution.

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 resolution 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 Etowah County Commission did adopt a Logging Notice Resolution, effective January 1, 2013; and

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

WHEREAS, the Etowah County Commission does hereby appoint the County Engineer, the Assistant County Engineer, and the Road Supervisor as the county license inspectors charged with the enforcement of the Etowah County Logging Notice Resolution.

BE IT RESOLVED BY THE ETOWAH COUNTY COMMISSION that it does hereby appoint the County Engineer, the Assistant County Engineer, and the Road Supervisor as the county license inspectors charged with the enforcement of the Etowah County Logging Notice Resolution.

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

IN WITNESS WHEREOF, the Etowah County Commission has caused this Resolution to be executed in its name and on its behalf by its Chair on this the 20th day of November, 2012.



Jeff Overstreet
Chairman, Etowah County Commission

Etowah County Road Department

402 Tuscaloosa Avenue
Gadsden, Alabama 35901
Phone – 256-549-5358 or 5359
Fax – 256-549-2169

Access Management Policy

The Etowah County Commission adopts the following access management policy. This policy is deemed necessary in order to accomplish the following objectives:

1. Etowah County Commission, acting through its County Engineer and Road Department, is charged with the responsibility to protect the traveling public in Etowah County and maintain the public right-of-ways therein; The County Commission is also charged to protect the general welfare, health and safety of its citizens and the traveling public using the public highways, roads, rights-of-ways and highway system within Etowah County; and

2. It is the responsibility of the Etowah County Commission to ensure proper design, construction, maintenance and operation of its streets, road, utilities, driveways, highways, bridges, points of access thereto, and other associated user activities connecting to, using, and/or occurring within these public rights-of-ways; and

3. The Etowah County Commission has and does hereby find that in order to protect and provide for the general welfare and safety of the traveling public and to protect the public highway and road system within Etowah County, it is necessary to provide criteria and conditions which must be met by any person, firm, corporation, or entity seeking to access or connect roads, streets, highways, or any part thereof, and to prohibit any access or connection to the Etowah County highways, streets, roads or the highway system, which do not meet with and conform to proper engineering design and which do not have approval of the Etowah County Engineer or his designee:

The following guidelines are hereby set forth and adopted by the Etowah County Commission to serve as the Etowah County Access Management policy. This policy shall be administered and interpreted by the Etowah County Engineer or his/her designee. The policy is as follows:

1. No person, form, corporation, or other entity, public or private, shall construct or cause to be constructed or allow any driveway, highway, road, alley, street, other roadway, or any aspect or part thereof, to connect to or otherwise access or allow motor vehicle traffic on or onto any part of the Etowah County

public road system including the Etowah County rights-of-ways, without first applying for and obtaining an access permit from the Etowah County Commission, acting by and through the Etowah County Engineer or his designee;

2. All access and access permits to Etowah County maintained roads shall be subject to the approval by the Etowah County Engineer. No access permit will be granted or approved which does not properly address drainage, sight distance, and other safety criteria including, but not limited to proper lane widths, guardrail, front and back slopes, right-of-way encroachments, or pavement buildup to support anticipated future traffic on the public highway and highway system at affected points, as established and determined to be appropriate by the Etowah County Engineer;

3. Compliance with all requirements of the access permit is the responsibility of the property owner, developer, or entity applying for the access. Construction and material requirements shall be consistent with the Etowah County Subdivision Regulations. Driveways for individual residences as well as larger developments must comply with these access procedures and requirements;

4. All subdivisions of real property and all developments, along, adjacent to, or accessing existing paved or unpaved Etowah County public roads, and any person or entity seeking to connect a highway, street, alley, road, or other public or private way, thereto, shall be required to improve and upgrade such existing public road and connected roads, and associated drainage facilities, to the extent required by the Etowah County Engineer. These improvements may include, but are not limited to, the construction of additional lanes to increase capacity, turn lanes, acceleration and/or deceleration lanes, traffic signals, guardrail, clear zones, or other improvements deemed necessary by the Etowah County Engineer or his designee. The existing road system may be required to be upgraded in order to provide for future anticipated traffic demand and/or traffic volume increases. In addition to these requirements, subdivisions located on highways or roads classified as a minor collector or higher (as shown on ALDOT Highway Functional Classification Maps and includes major collectors, arterials, etc.) shall include at as minimum turn lanes to enter into the proposed subdivision and shall have the following limitations to include frontage lots on this type of facility:

a. Residential lots fronting a major or minor collector with an average daily traffic volume (ADT) of 1000 vehicles per day (vpd) or greater shall be limited to one(1) access point and shall be subject to stopping sight distance requirements based on the design speed or posted speed of the road (whichever is greater) and site conditions. These lot access points shall also be required to be

spaced at intervals equal to the stopping sight distance required above with a tolerance of +/- 5 mph for spacing;

b. Residential lots which are proposed denser than the requirements in 4(a) shall be limited to one (1) access point for subdivisions with two (2) lots or less and/or limited to two (2) access points for subdivisions with three (3) or more lots. These access points must still comply with all sight distance requirements and all roads/drives shall be constructed in accordance with the Etowah County Subdivision Regulations;

c. Residential lots on routes classified above a major collector (i.e. arterials) shall have limited access through service roads or equivalents.

d. Existing lots (as of the dates of the adoption of this policy) shall be grandfathered or exempt from spacing requirement of 4(a) provided the lot configuration does not change. If a subdivision of the existing lot occurs or is proposed, the new lot (s) must meet the criteria set out herein.

e. Turn lane requirements shall apply to residential and commercial developments. The guidelines for these turn lanes are as follows:

f. Turn lane requirements

Rt lane required* Lt turn lane required

Local Road

Development generating < 500 vpd	NO	NO
Development generating >500 vpd	Yes	*Depending on Location

Major or Minor Collector w/ADT < 1000 vpd

Residential Development generating <250 vpd	No	No
250 vpd < Development generating <500 vpd	Yes	No*
Development generating .500 vpd	Yes	Yes

Major, Minor Collector or higher classification w/ ADT > 1000 vpd

Residential Development generating <250 vpd	No	No
Commercial Development generating <250 vpd	Yes	No*
Development generating >250 vpd	Yes	Yes

See driveway location requirements in 4(a) which applies to spacing & locations.

*If in the opinion of the County Engineer a left turn lane serves a more direct function, a left turn lane may be required or allowed in lieu of a right turn lane.

5. Existing drainage structures including culverts, bridges, and ditches, may be required to be upgraded or replaced as determined by the Etowah County Engineer;

6. Any utility installation that is required to serve the subdivision or development that must be relocated as a result of the required roadway or drainage improvement is the responsibility of the owner or developer thereof. Utility installation or relocation must be performed in accordance with the requirements of the Etowah County Engineer. All costs associated with the installation or relocation of utilities must be borne by the developer or owner;

7. Additional right-of-way may be required by Etowah County in order to be able to properly construct the required roadway and drainage improvements or utilities. The developer, traffic generator or applicant for an access permit is not necessarily entitled to exclusive use of any excess capacity of the existing roadway or any right-of-way that may be available and suitable for construction or any right-of-way in excess of that which is necessary to construct improvements required by the Etowah County Engineer. The developer, owner, or applicant for an access permit is responsible for all costs associated with acquiring additional right-of-way.

8. Design and construction plans which show all the proposed access and improvements must be submitted to the Etowah County Engineer for review and approval. All such plans shall bear the signature and seal of a professional engineer licensed to practice in the State of Alabama;

9. Prior to approval, an estimate of all costs of the proposed improvements shall be submitted by the applicant to the Etowah County Road Department for review and approval. Upon approval by the Etowah County Engineer, a bond in form and substance as approved by the Etowah County Commission, with an acceptable surety, in the amount not less than 150% of the approved cost, must be made and posted by the access permit applicant with the Etowah County Road Department to assure proper and timely completion of the improvements specified. Construction of any public improvement or any construction in the right-of-way must not commence until written approval has been granted by the Etowah County Engineer. Construction notification and inspection requirements shall be in accordance and consistent with the Etowah County Subdivision Regulations;

10. If construction is not substantially commenced within one (1) year from the date of the issuance of an access permit, or if commenced applicant fails to continuously and satisfactorily work toward completion of the project

according to the approved construction plans, the application and approval thereof will be void and application for an access permit must be resubmitted. Any resubmitted application for an access permit and approval or rejection thereof would take into consideration any additional improvements or change in construction or design based on conditions which the County Engineer deems necessary;

11. No building permits or development permits will be issued by Etowah County without access approval from the Etowah County Road Department in cases where the driveway or roadway providing ingress and egress accesses or connects to an Etowah County maintained road;

12. Regardless of any provisions contained herein to the contrary, an individual seeking access for the purpose of ingress and egress to only one (1) single family residence shall be required to obtain an access permit to be issued by the County Engineer allowing same, but shall not be required to present engineering studies and detailed construction plans unless the County Engineer determines that such is necessary due to particular safety, engineering, or other concerns associated with that specific point of intended access;

13. In the event any person or entity shall gain, establish, allow access to or otherwise connect or allow connection of any public or private highway, street, alley or road or other public or private way/facility to any part of the Etowah County maintained road system, in violation of any part of this resolution or without first obtaining an access permit as herein provided, and without the express written permission of the Etowah County Engineer. The Etowah County Engineer, acting on behalf of the Etowah County Commission, shall have the additional right to place impassable barricades between the traveled portion of the county road or right-of-way and the point of unpermitted access, thus preventing entry onto the Etowah County Road System and ingress and egress thereto. The Etowah County Commission also realizes that the County Engineer may in some cases be required to remove items placed on the right-of-way without permission that pose a safety threat to the traveling public;

14. Any person, firm, corporation or entity who or which violates any part or portion of this resolution or otherwise connects or allows the connection to any Etowah County public road or right-of-way of any portion of the Etowah County Road System in violation of the aforementioned requirements, or any portion, section or aspect thereof without first obtaining a written access permit to access the same as provided herein, shall in addition to all other remedies available to Etowah County, including but not limited to injunction and assessment of damages, be subject to and liable for the payment of civil penalties and reimbursement to Etowah County in an amount equal to all costs or damages incurred by Etowah County, The Etowah County Road Department or the Etowah County Engineer in order to bring said access point and use of the Etowah County public road system into compliance with the provisions hereof and the

cost, including, but not limited to, the cost of design, construction and installation of all necessary improvements to comply with the requirements herein, and for the cost of physically preventing ingress and egress to and from the Etowah County Road System. Nothing contained herein shall, however, be interpreted to limit Etowah County to any one or more available legal remedies, and the provisions herein providing for remedies shall be cumulative to all other remedies available now or in the future;

15. The requirements hereof shall be cumulative to any other legally imposed conditions or requirements provided by law or by Etowah County and/or the Etowah County Engineer;

16. The provisions of this resolution are severable. If any portion hereof shall be declared invalid by any court of competent jurisdiction, such declaration shall not effect the remaining portions hereof;

17. The provisions hereof shall become effective immediately upon the adoption by the Etowah County Commission, and all municipalities in Etowah County shall be advised of the adoption hereof and be requested to withhold any and all permits for developments accessing Etowah County public highway and roads until such Access permits have been adopted and issued by Etowah County acting by and through Etowah County Engineer or other designee of the Etowah County Commission.

INSTRUCTIONS FOR NOTICE OF COUNTY ROAD USAGE BY TIMBER OWNER

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

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

Etowah County Road Department
402 Tuscaloosa Avenue
Gadsden, AL 35901
Office Hours: Monday – Thursday
7:00 a.m. – 5:00 p.m.
email: CountyRoad@EtowahCounty.org
Fax: 256-549-2169

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

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 Resolution 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 Resolution before any activities governed by the Resolution shall commence.

IMPORTANT NOTICES

The Etowah 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 Resolution 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 Tim Graves, Etowah County Engineer, at 256-549-5359 or email: CountyRoad@EtowahCounty.org.

FOR COUNTY USE ONLY

Date Submitted to County	Notice No. _____ County-Year-Sequence No.
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Date Notice Approved by County	Date Notice Found Deficient by County
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**NOTICE OF COUNTY ROAD USAGE BY TIMBER OWNER
ETOWAH COUNTY, ALABAMA**

Check one: Harvest & haul or Haul only

TIMBER OWNER INFORMATION

As defined in Section III (8) of Etowah County's Logging Notice Resolution, 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, bridge or right of way.
- (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 any county's logging notification ordinance in the last 24 months? If so, provide dates.

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.

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