

## Chapter 96

### LOGGING

§ 96-1. Purpose.

§ 96-2. Definitions.

§ 96-3. Required permit.

§ 96-4. Powers of Highway  
Superintendent.

§ 96-5. Exemption.

§ 96-6. Penalties for offenses.

**[HISTORY: Adopted by the Town Board of the Town of Rochester 8-2-1984 by L.L. No. 6-1984. Amendments noted where applicable.]**

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#### § 96-1. Purpose.

The purpose of this chapter is to protect the health, safety and welfare of the residents of the Town of Rochester by providing regulations governing logging operations within said town so as to protect the roads and highways within the Town of Rochester and for the purpose of ensuring that such logging operations are conducted with due regard for environmental concerns.

#### § 96-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

**LOGGING** — That process or processes which result in the felling of trees for purposes of using the timber therefrom for construction purposes, firewood and any other uses to which such timber or logs would ordinarily be subjected. Included in this definition is not only the process of cutting down trees, but all attendant processes in making such timber usable for the purpose for which it is intended, including but not limited to removal of limbs, cutting of logs to predetermined sizes, on-site splitting of logs and the removal of logs from property by means of transport by any method, including what is commonly known as “skidding,” motorized or animal-driven means.

**PERSON** — Includes an individual, society, club, firm, partnership, corporation or association of persons, and the singular number shall include the plural number.

#### § 96-3. Required permit.

A. Any person who, after the effective date of this chapter, shall commence a logging operation in the town shall be required to obtain a permit for the same. Application for said permit shall be made on a form approved by the Town Board and shall require the following information:

- (1) The name and address of the person conducting the logging operation;
- (2) The Tax Map location of the premises to be logged;

- (3) A letter or affidavit from the record owner of the property to be logged granting permission to the logger or operator, by name, to cut trees and designating the area(s) in which they may be cut.<sup>1</sup>
  - (4) The name(s) of the town road(s) to be utilized by the applicant in removing said logs.
  - (5) The anticipated period of time that the parcel of land designated shall be utilized for the logging operation.
- B. A logging permit shall be issued by the Code Enforcement Officer upon completion of said application and approval of the same by said officer and upon receipt of a fee in an amount set by resolution of the Town Board. Upon approval of the permit application, the Code Enforcement Officer shall notify the Highway Superintendent of the issuance of such permit and provide him with a copy thereof.<sup>2</sup>
- C. A separate permit shall be required for each separate parcel or logging operation by each logging operator.

#### **§ 96-4. Powers of Highway Superintendent.**

- A. The Town Highway Superintendent is hereby granted the power to order the cessation of logging operations within the Town of Rochester when weather conditions are such that the utilization of town roads for purposes of a logging operation may result in damages to said roads or the creation of a hazard to residents utilizing said town roads.
- B. The Town Highway Superintendent is further empowered to impose reasonable restrictions as hereinafter set forth when a logging operation may result in the creation of a hazardous condition to residents or damage to town roads, regardless of weather conditions. 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; and
  - (3) Off-street parking for all vehicles utilizing the logging operation.
  - (4)<sup>3</sup> Such other conditions of operation may be imposed that, in the judgment of the Highway Superintendent, effectuate the provisions of this section, including but not limited to the following:
    - (a) The loading and storing of logs shall be located at least 30 feet from the traveled way of any highway;
    - (b) Timber shall not be skidded across any highway nor shall log skidders cross the highway as part of the logging operation at any time; and

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<sup>1</sup> Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

<sup>2</sup> Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

<sup>3</sup> Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- (c) All debris resulting from tree cutting along the highway and at the loading area within 50 feet of the highway shall be cleaned and removed by the applicant.

**§ 96-5. Exemption.<sup>1</sup>**

Town residents who engage in logging activities as heretofore defined solely for their own personal use and not for resale to third parties are hereby exempt from the provisions of this chapter.

**§ 96-6. Penalties for offenses.<sup>2</sup>**

A violation of this chapter shall constitute a violation and shall be punishable by a fine of \$1,000 or imprisonment not to exceed 15 days, or both. Each day a violation continues shall constitute a separate offense of this chapter.

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<sup>1</sup> Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

<sup>2</sup> Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).