



Township Council of Lower Saucon Township

Officials:

April 6, 2017

Mr. Robert A. Willig, Esq.
Commonwealth of Pennsylvania
Office of the Attorney General
6th Floor, Manor Complex
564 Forbes Avenue
Pittsburgh, PA 15219

Re: ACRE Review Request - [REDACTED]
Lower Saucon Township - Northampton County

Dear Mr. Willig:

Pursuant to your letter of March 9, 2017, please see attached additional information which may prove useful in your review of the referenced matter.

Should you have any questions, please do not hesitate to contact me at 610-865-3291.

Sincerely,

Leslie Huhn
Township Manager

Enclosures

cc: Township Council
[REDACTED] Zoning Officer
[REDACTED] Township Solicitor
[REDACTED] Township Planner

Memo

To: [REDACTED] Acting Township Manager
Cc: [REDACTED] Township Zoning Officer
[REDACTED] Esq.
From: [REDACTED] ASLA, R.L.A., [REDACTED] ASLA, R.L.A.
Subject: Timber Harvesting Ordinances
Date: February 3, 2016

Per your request I have reviewed current regulations, legal precedent, and ordinances related to forestry and timber harvesting in Pennsylvania.

Municipalities Planning Code

- Article I Section 105 Purpose of Act prohibits municipalities from taking actions that preclude access to land for forestry purposes: "... and wherever the provisions of this act promote, encourage, require or authorize governing bodies to protect, preserve or conserve open land, consisting of natural resources, forests and woodlands, any actions taken to protect, preserve or conserve such land shall not be for purposes of precluding access for forestry." *"Reasonable restrictions" may be placed on forestry activities in conjunction with the protection of natural and historic resources. Restrictions must be contained within the ordinance; additional restrictions may not be added at the time of permit issuance.*
- Article I Section 107 Definitions defines "Forestry" as the management of forests and timberlands when practiced in accordance with accepted silvicultural principles through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development." *Timber harvesting activities that are part of a land development or subdivision would not fall within the definition of forestry activities and are not permitted by-right by the MPC. Municipalities are not authorized to assume whether an applicant intends to develop the land subsequent to forestry activities. Many municipalities include the MPC definition of "Forestry" within their ordinances, and some require the applicant to indicate proposed land uses subsequent to the forestry activity.*
- This section also contains a definition for "Preservation or protection," "when used in connection with natural and historic resources, shall include means to conserve and safeguard those resources from wasteful or destructive use, but shall not be interpreted to authorize the unreasonable restriction of forestry, mining or other lawful uses of natural resources." *Again, restrictions may be placed in order to protect natural and historic resources, but restrictions may not be "unreasonable."*
- Article VI Zoning, Section 603(f) Ordinance Provisions states that "Zoning ordinances may not unreasonably restrict forestry activities. To encourage maintenance and management of forested or wooded open space and promote the conduct of forestry as a sound and economically viable use of forested land throughout this commonwealth, forestry activities,

including, but not limited to, timber harvesting, shall be a permitted use by right in all zoning districts in every municipality.” *Ordinances that permit forestry only by special exception, conditional use, or variance are not valid. Timber harvesting is currently a by-right use in all districts in the Lower Saucon Township Zoning Ordinance.*

Legal Precedent

Taylor v. Harmony Township Board of Commissioners (PA Commonwealth, 2004)

Commonwealth Court upheld an ordinance restricting timber harvesting on steep slopes that are flood or landslide prone. Appellant argues the Township restriction on timber harvesting was unreasonable, and therefore not valid. The Court found the restrictions to be reasonable.

Chrin v. Williams Township – (PA Commonwealth, 2003)

Commonwealth Court affirmed the decision of Northampton Court of Common Pleas in favor of the Township, finding that restrictions placed on clear-cutting on steep slopes were part of a comprehensive plan to permit development while at the same time preserving sensitive natural resources (including steep slopes) and were reasonable.

Model Ordinances

PSU School of Forest Resources Model Ordinance

Many ordinances appear to be taken directly from the PSU School of Forest Resources model ordinance (attached), which provides general definitions, notifications requirements, the requirement for submission of a logging plan, and designation of responsibility. This ordinance primarily outlines what elements are required to be included in the logging plan, and leans heavily on compliance with State E&S regulations and stream crossing and wetlands protection requirements, as well as the acquisition of any required permits. A general forest practices section is also included, which provides some specific requirements regarding felling and skidding of trees, tops and slash, and littering and site cleanup. Many of these general requirements are found in most ordinances, whether they are modeled on the PSU ordinance or not. Following are general requirements outlined by the PSU ordinance that were also included in the majority of ordinances reviewed, including those not modeled on the PSU ordinance:

- Purpose, Scope and Definitions. Township notification requirements, requirement for a written logging plan to be kept at the harvest site for the duration of work, and responsibility of the landowner and operator to comply with the logging plan.
- The required logging plan is to include, at a minimum: design, construction, maintenance, and retirement of the access system, including haul roads, skid roads, skid trails and landings; design construction, and maintenance of water control measures and structures such as culverts, broad-based dips, filter strips, and water bars; design, construction, and maintenance of stream and wetland crossings; and the general location of the proposed operation in relation to municipal and state highways, including any access to those highways.
- A sketch map or drawing is to be included, which is to provide the following information: site location and boundaries, including both the boundaries of the property on which the timber harvest will take place and the boundaries of the proposed harvest area within that property; significant topographic features related to potential environmental problems; location of all earth disturbance activities such as roads, landings, and water control measures and structures; location of all crossings of waters of the Commonwealth; and the general location of the proposed operation to highways, including access to those highways.
- Compliance with state law, including E&S control regulations, stream crossing and wetlands protection; including of any permits required by state law, and attachment of an E&S plan that satisfies the requirements of 25 PA Code, Chapter 102. The ordinance indicates that an E&S

plan that satisfies the state code requirements satisfies the local ordinance requirements, provided that all relevant information is attached.

- General forest practices requirements relating to felling or skidding across thoroughfares, prohibitions on leaving tops and slash within certain distances of roadways and adjoining properties, and littering.

PSATS Model Ordinance

The PSATS model timber harvesting ordinance was also reviewed. This model ordinance appears to be a more truncated version of the PSU Model, and I did not come across any municipal ordinances that appeared to be modeled on it. In addition, the PSATS model provides only perfunctory requirements, except for where logging is proposed in the vicinity of trout streams. With the exception of this section, the model ordinance does not appear to be particularly useful.

Existing Ordinances

Springfield Township (Bucks County)

This is a highly detailed ordinance specifically tailored to Township requirements. While not following the PSU model, many of its requirements are similar. Major differences include the following:

- Removal of dead and hazardous trees, trees with a diameter of less than 6 inches, and removal of small amounts of trees per lot (with some limitations based on natural resources,) trees removed as part of land development, Christmas tree farms, and tree nurseries are exempt from requiring a zoning permit.
- The required forestry plan is to be prepared by a Forester, Forest Technician, or a Forest Plan Preparer. The Zoning Officer is to consult with the Township Engineer or a forester retained by the Township to determine the adequacy of the forestry plan.
- Criteria for selection of trees to be removed must be clearly stated, and must conform to a plan for the sustainable use of the forest resource; the plan is to describe how the health and diversity of the forest is to be protected and the potential for future timber harvests are to be maintained.
- Compliance is required with PA Code Ch. 92 and 93 where forestry activities are to be in the vicinity of high quality or exceptional value watersheds.
- The plan is to provide a stand description for each stand located in the proposed harvest area including number, species, and diameter of trees to be removed.
- Provision of all required permits as an appendix to the plan is required.
- Proof of current liability and worker's compensation insurance is required.
- PADOT HOP or Township driveway permits are required, as applicable. The plan must demonstrate that the street system is suitable to accommodate the additional truck traffic.
- A Conservation District "letter of adequacy" as well as associated plans, permits and reports are required.
- Trees to be felled are to be clearly marked.
- No logging buffer zones of 25' are required along streets, 40' along perennial/intermittent streams, and 10' along ephemeral streams.
- Limited logging buffer zones are required for 50' around the entire property boundary and 60' measured from the no-logging zones adjacent to streams. Residual stand in these areas must contain at least 70 SF of basal area per acre consisting of trees 10" dbh or greater. Limited logging zones are not applicable adjacent to properties where the neighboring land owner has consented, in writing, to logging being conducted within 50' of the property line.
- Debris carried onto public streets is to be removed immediately.

- Uneven-age management is to be practiced on slopes greater than 25%, where 70 SF of basal area per acre consisting of trees 10" dbh or greater is to remain. No equipment, skidders, dozers, or tracked or tired machines or vehicles are permitted on slopes greater than 25%.
- After harvest is complete, skid roads, dirt roads, etc. must be graded to original contours, and seeded and mulched to stabilize.
- Tire cleaners required as part of the E&S plan must be removed and seeded/stabilized.
- No logging zones are to be marked with survey tape or temporary fencing.
- Snags are not to be cut unless they pose a hazard.
- Use of any clear-cutting must be fully justified by a forestry plan prepared by a qualified professional, and must provide detailed information concerning stormwater runoff, erosion control, and a plan to ensure forest regeneration. Clearcutting is not permitted on contiguous areas greater than ½ acre. A full set of stormwater calculations shall be submitted to show that post-development peak runoff will not exceed pre-development runoff.
- Where forestry involves more than 2 acres, a minimum of 30% of forest cover shall be kept and residual trees are to be well distributed. The forestry plan shall provide for replanting where necessary.
- Financial security is to be established for repair to damage to public streets, to guarantee compliance with the E&S plans, stormwater management plans and site restoration.

Marshall Township (Allegheny County)

This ordinance has many similarities and elements taken from the PSU Model Ordinance, but is more specifically tailored to the individualities of the Marshall Township and implements more in-depth requirements based on the natural resource preservation priorities of the Township. Highlighted here are primary differences from the PSU model:

- Timber harvesting permits are required for properties over one acre and are valid for one year.
- Harvesting is controlled by establishing cutting blocks; permits are valid for only one cutting block at a time, which is to be completed and restored prior to moving to the subsequent cutting block.
- Applications must include a site plan, a forest management plan, an E&S plan and letter of adequacy as well as any approval comments, financial security, an application fee, and certificate of insurance.
- Applications are reviewed by the Township Forester, who makes a recommendation to the Zoning Officer.
- The forest management plan is required to indicate the type and rate/location of seeding/mulching to be used for stabilization, and any other requirements deemed necessary by the Township to protect public health, safety and welfare.
- Compliance with the Stormwater Management Act, any require permits shall be attached to the plan, and compliance with the Best Management Practices as outlined in the following documents:
 - "Best Management Practices for Pennsylvania Forests," 1996, Penn State College of Agricultural Sciences.
 - "Best Management Practices for Silvicultural Activities in Pennsylvania's Forest Wetlands," 1993, Penn State University School of Forest Resources, College of Agricultural Sciences, and the Pennsylvania Hardwoods Development Council.
 - "Controlling Erosion and Sediment from Timber Harvesting Operations," 1999, Commonwealth of PA DEP Bureau of Water Quality Protection.
- Diameter-Limit cutting is not permitted; clearcutting is prohibited unless approved by the Township Forester based on a determination that it will assist with forest regeneration, will not cause erosion etc, will not be done within 50' of property lines, and is consistent with federal, state and local laws and requirements.

- No timber harvesting is permitted where slopes exceed 50%.
- Timber harvesting is permitted on slopes exceeding 25% as long as harvesting will not take place on soils prone to slipping and landslides per the Allegheny County Soil Survey.
- No on-site retail of harvested logs permitted.
- 25' buffer zones are required along all roads and property lines, and along all streams.
- Trees to be felled are to be clearly marked. No trees shall be felled which have not been designated for removal on the Forest Management Plan as finally approved by the Township.
- Financial security against the restoration of the property and roadway damage is required, as well as liability insurance.

Richland Township (Bucks County)

This is a detailed ordinance specifically tailored to Township requirements. While not following the PSU model, many of its requirements are similar. Major differences include the following:

- A forestry management plan, prepared by a qualified forester in accordance with the best management practices of the sustainable forestry initiative and the principles and criteria of the Forestry Stewardship Council is required.
- The existing features plan is required to show the principal variety or varieties of trees on the site.
- Provision of a Conservation District "letter of adequacy" along with associated plans, reports and permits.
- Plans are to show how the general habit and visual screening of the forest is to be maintained so the forest retains its visual and habitat qualities at all stages of the long-range cutting plan.
- Reforestation methods and time periods are required to be established based on the basal area percentile cut, and preservation of a minimum of 20% of the forest canopy (well distributed over the site) is required.
- A bond is to be posted to ensure reforestation and regrowth for a minimum of 2 years, and escrow fees are required to cover plan review, meeting attendance, and inspections.
- The ordinance also requires the establishment of no-cut buffer zones around the perimeter of the lot, and a minimum of two meetings between the applicant and Township professionals.
- Exemptions are provided for tree removal where the area to be cleared does not exceed ½ acre as part of yard maintenance, the removal of dead or hazardous trees, or less than 20% of the woodlands are to be removed.
- When timber harvesting is initiated 2 years or less before the submission of subdivision plans, natural resource protection standards are to be applied to the property as it was prior to tree removal.

Plumstead Township (Bucks County)

This ordinance is modeled after the PSU model ordinances. Highlighted below are relevant deviations from the model ordinance:

- Exempts the removal of dead or diseased trees, trees that may constitute a danger to structures or occupants, the removal of small numbers of trees per year per lot, and trees within a specific distance from proposed structures that have received a building permit.
- Submission of copies of all required permits, proof of insurance, PADOT highway occupancy permits, and a Conservation District "letter of adequacy" with associated plans and reports are required.
- Requires compliance with the Stormwater Management Act, all Federal Laws including but not limited to Best Management Practices as set forth at 33 CFR 323.4[a][6][i-xv]; and compliance with the Township Stormwater Management Ordinance.
- Forestry Practices – requires the cleaning of debris carried onto public roadways; prohibits forestry/logging within areas with slopes of 26% or greater; requires grading, seeding and

stabilization of any skid or other dirt roads; requires the provision of variously sized no logging buffer zones adjacent to streets, neighboring properties, and riparian areas.

- Requires financial security to be provided against damage to public streets, compliance with E&S requirements, stormwater management requirements, and site restoration.

Newtown Area JMZO (Bucks County)

This ordinance is modeled after the PSU model ordinances. Highlighted below are relevant deviations from the model ordinance:

- Exempts the removal of dead or diseased trees, trees that may constitute a danger to structures or occupants, the removal of small numbers of trees per year per lot, trees within a specific distance from proposed structures that have received a building permit, and also includes exemptions for pulp farming, Christmas tree farming, orchards, and tree nurseries.
- Requires the forestry plan to use the selective cut method to maintain diversity of species, age and height of the forest, with emphasis on preservation of endangered tree species. Submission of copies of all permits, proof of insurance, PADOT highway occupancy permits, and a Conservation District "letter of adequacy" with associated plans and reports are required.
- Requires compliance with the Stormwater Management Act, all Federal Laws including but not limited to Best management Practices as set forth at 33 CFR 323.4[a][6][i-xv]; compliance with the Township Stormwater Management Ordinance, and compliance with the E&S requirements of the Conservation District.
- Forestry Practices – requires the cleaning of debris carried onto public roadways, prohibits forestry/logging within areas with slopes of 8% or greater; requires grading, seeding and stabilization of any skid or other dirt roads; and prohibits clear cutting.
- Requires financial security to be provided against damage to public streets, compliance with E&S requirements, stormwater management requirements, and site restoration.

Williams Township (Northampton County)

Williams Township provides very bare-bones regulation for Forestry Activities. The ordinance consists of the following requirements: a zoning permit must be obtained prior to harvesting 40 or more trees of 3" dbh or greater; a forestry management plan prepared by a qualified forester or forest technician is to be submitted, and is to be consistent with the Timber Harvesting Guidelines of the Pennsylvania Forestry Association; an E&S plan is to be submitted to the Conservation District for review and approval; clear cutting is prohibited except on tracts of less than 2 acres; at least 30% of forest cover must be maintained and shall be well distributed; and clear cutting is prohibited on areas with slopes greater than 15% or within the 100 year floodway.

Lower Saucon Township

The majority of Lower Saucon ordinance requirements are similar or the same as those found in the ordinances of other municipalities. Ordinance requirements that greatly differ or exceed requirements found in model ordinances or the ordinances of other municipalities include the following:

- Section 127.2.A(2)(n): Requirement for the provision of density, type and basal area of major trees on an acre-by-acre grid before and after the forestry activity. Many ordinances require provision of this type of information, but not on an acre by acre grid.
- Section 127.2.C(2)(a): Profile requirements for logging roads. I did not find this specific type of requirement in any of the other ordinances reviewed.
- Section 127.2.C(2)(c): Specific requirements regarding the provision and spacing of water control structures. Every ordinance reviewed deferred control of these features to the reviewing Conservation District, and required instead the provision of an adequacy letter and associated plans and permits; it appears that the requirements outlined here are more stringent than those required as part of E&S plan approval by the conservation district, particularly the prohibition of certain structures on steep slopes.

The ordinances reviewed ranged from very little regulation to in-depth, highly tailored regulation. It appears that the Richland Township, Springfield Township and Marshall Township ordinances strike the best balance between tailoring requirements to meet local needs while remaining consistent with overall municipal protection standards, and providing vigorous protection of natural resources while not becoming overly burdensome. While there has been objection from the logging industry about more detailed ordinances, the MPC clearly permits municipalities to regulate forestry and timber harvesting activities in accordance with overall municipality resource preservation priorities, so long as restrictions imposed are reasonable and do not serve to result in a preclusion of forestry activity from properties within the Township.

Concerns raised by Lower Saucon Township

The court-imposed re-write of the Salisbury Township was raised as a concern. From information gathered, my understanding is that the re-write was required as a result of Salisbury Township permitting forestry through Conditional Use approval only; the MPC requires forestry to be a by-right use in all zoning districts. As Lower Saucon currently permits forestry by-right in all zoning districts, it does not appear that this will be an issue.

There appears to also be concern as to whether the current ordinance is unreasonably burdensome. As indicated previously, most elements within the Lower Saucon Forestry ordinance are not unusual to forestry or timber-harvesting ordinances. As stated by the Planning/Zoning Officer from Salisbury Township, the extensive natural resource protections in place within the Township provide a firm base for requiring the same level of protection for a Forestry Use. Existing natural resource protections are part of an overall comprehensive plan to protect these resources throughout the Township. What must be considered is whether the Forestry ordinance requirements are more restrictive than the overall Township resource protection requirements, and could therefore be considered unreasonable.

PENNSYLVANIA MODEL FORESTRY REGULATIONS

Using the Model

Before deciding to adopt any ordinance regulating forestry activities, your community should carefully weigh the questions raised in "Timber Harvesting in Pennsylvania."¹ Adoption of local regulations is not the answer for all communities.

If your community decides that regulations are necessary, the following model ordinance may be helpful. It was first developed in 1994 by a team of professional foresters led by Penn State's School of Forest Resources and was updated in January 2000 to conform to the new forestry-related changes to the Municipal Planning Code effected by Acts 67 and 68 of 2000.

The model is intended to address fairly the needs and concerns of local citizens as well as forest landowners and the forestry industry. It is also designed to be consistent with the so-called "Right to Practice Forestry" provision (P.S. §10603(f)) of the Municipalities Planning Code.

This model is best applied with the assistance of a professional forester who has the expertise to help ensure that the final regulations are tailored to your community's particular circumstances. "Timber Harvesting in Pennsylvania" provides information on how to make contact with a professional forester. Other interested members of the forestry community, such as landowners, loggers, and forest products manufacturers, should also be given an opportunity to become involved in developing the ordinance.

¹This informational booklet, published by the Penn State School of Forest Resources, is available from the Pennsylvania State Association of Township Supervisors (telephone: 717-763-0930; Pennsylvania Department of Community and Economic Development, Governor's Center for Local Government Services (telephone: 717-783-0176); Pennsylvania Department of Agriculture, Hardwoods Development Council (telephone: 717-772-3715); Penn State School of Forest Resources (telephone: 814-863-0401); Pennsylvania Department of Conservation and Natural Resources, Bureau of Forestry District offices; Pennsylvania Forestry Association (telephone: 717-766-5371);

and the Hardwood Lumber Manufacturers Association of Pennsylvania (telephone: 717-312-1244)

Model Regulations

Section 1. Policy; Purpose. In order to conserve forested open space and the environmental and economic benefits they provide, it is the policy of the Township [Borough] of _____ to encourage the owners of forest land to continue to use their land for forestry purposes, including the long-term production of timber, recreation, ~~wildlife, and amenity values. The timber harvesting regulations contained in sections 1~~ through 8 are intended to further this policy by (1) promoting good forest stewardship; (2) protecting the rights of adjoining property owners; (3) minimizing the potential for adverse environmental impacts; and (4) avoiding unreasonable and unnecessary restrictions on the right to practice forestry.

Section 2. Scope; Applicability. To encourage maintenance and management of forested or wooded open space and promote the conduct of forestry as a sound and economically viable use of forested land throughout the township [borough], forestry activities, including timber harvesting, shall be a permitted use by right in all zoning districts. Sections 1 through 8 apply to all timber harvesting within the Township [Borough] where the value of the trees, logs, or other timber products removed exceeds \$1,000. These provisions do not apply to the cutting of trees for the personal use of the landowner or for pre-commercial timber stand improvement.

Section 3. Definitions. As used in Sections 1 through 8, the following terms shall have the meanings given them in this section.

- a. "Felling" means the act of cutting a standing tree so that it falls to the ground.
- b. "Forestry" means the management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.²
- c. "Landing" means a place where logs, pulpwood, or firewood are assembled for transportation to processing facilities.
- d. "Litter" means discarded items not naturally occurring on the site such as tires, oil cans, equipment parts, and other rubbish.
- e. "Lop" means to cut tops and slash into smaller pieces to allow the material to settle close to the ground.

² Only forests and timberlands subject to residential or commercial development shall be regulated under the township's [borough] land development and subdivision ordinance.

- f. "Operator" means an individual, partnership, company, firm, association, or corporation engaged in timber harvesting, including the agents, subcontractors, and employees thereof.
- g. "Landowner" means an individual, partnership, company, firm, association, or corporation that is in actual control of forest land, whether such control is based on legal or equitable title, or on any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner, and any agents thereof acting on their behalf, such as forestry consultants, who set up and administer timber harvesting.
- h. "Pre-commercial timber stand improvement" means a forest practice, such as thinning or pruning, which results in better growth, structure, species composition, or health for the residual stand but which does not yield a net income to the landowner, usually because any trees cut are of poor quality, too small or otherwise of limited marketability or value.
- i. "Skidding" means dragging trees on the ground from the stump to the landing by any means.
- j. "Slash" means woody debris left in the woods after logging, including logs, chunks, bark, branches, uprooted stumps, and broken or uprooted trees or shrubs.
- k. "Stand" means any area of forest vegetation whose site conditions, past history, and current species composition are sufficiently uniform to be managed as a unit.
- l. "Stream" means any natural or artificial channel of conveyance for surface water with an annual or intermittent flow within a defined bed and banks.
- m. "Timber harvesting," "tree harvesting," or "logging" means that part of forestry involving cutting down trees and removing logs from the forest for the primary purpose of sale or commercial processing into wood products.
- n. "Top" means the upper portion of a felled tree that is unmerchantable because of small size, taper, or defect.
- o. "Wetland" means areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances, do support a prevalence of vegetation typically adapted for life in saturated soil conditions including swamps, marshes, bogs, and similar areas.

Section 4. Notification; preparation of a logging plan.

- a. **Notification of commencement or completion.** For all timber harvesting operations that are expected to exceed ____ acres, the landowner shall notify the township [borough] enforcement officer at least ____ business days before the

operation commences and within ____ business days before the operation is complete. No timber harvesting shall occur until the notice has been provided. Notification shall be in writing and shall specify the land on which harvesting will occur, the expected size of the harvest area, and, as applicable, the anticipated starting or completion date of the operation.

- b. **Logging plan.** Every landowner on whose land timber harvesting is to occur shall prepare a written logging plan in the form specified by this ordinance. No timber harvesting shall occur until the plan has been prepared. The provisions of the plan shall be followed throughout the operation. The plan shall be available at the harvest site at all times during the operation and shall be provided to the township [borough] enforcement officer upon request.
- c. **Responsibility for compliance.** The landowner and the operator shall be jointly and severally responsible for complying with the terms of the logging plan.

Section 5. Contents of the logging plan.

- a. **Minimum requirements.** As a minimum, the logging plan shall include the following:
 - (1) Design, construction, maintenance, and retirement of the access system, including haul roads, skid roads, skid trails and landings;
 - (2) Design, construction, and maintenance of water control measures and structures such as culverts, broad-based dips, filter strips, and water bars;
 - (3) Design, construction, and maintenance of stream and wetland crossings; and
 - (4) The general location of the proposed operation in relation to municipal and state highways, including any accesses to those highways.
- b. **Map.** Each logging plan shall include a sketch map or drawing containing the following information:
 - (1) Site location and boundaries, including both the boundaries of the property on which the timber harvest will take place and the boundaries of the proposed harvest area within that property;
 - (2) Significant topographic features related to potential environmental problems;
 - (3) Location of all earth disturbance activities such as roads, landings, and water control measures and structures;

- (4) Location of all crossings of waters of the Commonwealth; and
 - (5) The general location of the proposed operation to municipal and state highways, including any accesses to those highways.
- c. **Compliance with state law.** The logging plan shall address and comply with the requirements of all applicable state laws and regulations including, but not limited to, the following:
- (1) Erosion and sedimentation control regulations contained in 25 Pennsylvania Code, Chapter 102, promulgated pursuant to the Clean Streams Law (35 P.S. §§691.1 et seq.);
 - (2) Stream crossing and wetlands protection regulations contained in 25 Pennsylvania Code, Chapter 105, promulgated pursuant to the Dam Safety and Encroachments Act (32 P.S. §§693.1 et seq.); and
- d. **Relationships of state laws, regulations, and permits to the logging plan.** Any permits required by state laws and regulations shall be attached to and become part of the logging plan. An erosion and sedimentation pollution control plan that satisfies the requirements of 25 Pennsylvania Code, Chapter 102, shall also satisfy the requirements for the logging plan and associated map specified in paragraphs (a) and (b) of this section, provided that all information required by these paragraphs is included or attached.

Section 6. Forest practices. The following requirements shall apply to all timber harvesting operations in the Township [Borough].

- a. Felling or skidding on or across any public thoroughfare is prohibited without the express written consent of the Township [Borough] or the Pennsylvania Department of Transportation, whichever is responsible for maintenance of the thoroughfare.
- b. No tops or slash shall be left within twenty-five feet of any public thoroughfare or private roadway providing access to adjoining residential property.
- c. All tops and slash between twenty-five and fifty feet from a public roadway or private roadway providing access to adjoining residential property or within fifty feet of adjoining residential property shall be lopped to a maximum height of four feet above the surface of the ground.
- d. No tops or slash shall be left on or across the boundary of any property adjoining the operation without the consent of the owner thereof.
- e. Littering resulting from a timber harvesting operation shall be removed from the site before it is vacated by the operator.

Section 7. Responsibility for road maintenance and repair; road bonding. Pursuant to Title 75 Pennsylvania Consolidated Statutes, Chapter 49; and Title 67 Pennsylvania Code, Chapter 189, the landowner and the operator shall be responsible for repairing any damage to Township [Borough] roads caused by traffic associated with the timber harvesting operation to the extent the damage is in excess of that caused by normal traffic may be required to furnish a bond to guarantee the repair of such damages.

Section 8. Enforcement.

- a. Township [Borough] Enforcement Officer.** The _____ shall be the enforcement officer for sections 1 through 8.
- b. Inspections.** The township [borough] enforcement officer may go upon the site of any timber harvesting operation before, during, or after active logging to (1) review the logging plan or any other required documents for compliance with sections 1 through 8 and (2) inspect the operation for compliance with the logging plan and other on-site requirements of these regulations.
- c. Violation notices; suspensions.** Upon finding that a timber harvesting operation is in violation of any provision of sections 1 through 8, the township [borough] enforcement officer shall issue the operator and the landowner a written notice of violation describing each violation and specifying a date by which corrective action must be taken. The township [borough] enforcement officer may order the immediate suspension of any operation upon finding that (1) corrective action has not been taken by the date specified in a notice of violation; (2) the operation is proceeding without a logging plan; or (3) the operation is causing immediate harm to the environment. Suspension orders shall be in writing, shall be issued to the operator and the landowner, and shall remain in effect until, as determined by the township [borough] enforcement officer, the operation is brought into compliance with sections 1 through 8 or other applicable statutes or regulations. The landowner or the operator may appeal an order or decision of an enforcement officer within thirty days of issuance to the governing body of the Township [Borough].
- d. Penalties.** Any landowner or operator who (1) violates any provision of sections 1 through 8; (2) refuses to allow the township [borough] enforcement officer access to a harvest site pursuant to paragraph (b) of this section or who fails to comply with a notice of violation or suspension order issued under paragraph (c) of this section is guilty of a summary offense and upon conviction shall be subject to a fine of not less than one hundred dollars nor more than three hundred dollars, plus costs, for each separate offense. Each day of continued violation of any provision of sections 1 through 8 shall constitute a separate offense.

- (a) Only agricultural products, dairy products, home-made crafts and home-made baked goods may be sold.
- (b) A minimum of 25 percent of the products must be grown, produced or raised on the property, in a 50 mile radius, or on other property controlled by the operator or his/her relatives.
- (c) Access to the lot must be controlled by physical means to limit access to 2 points. The access point shall be no more than 24 feet wide. The access shall be able to meet safe sight distance requirements along a public street.
- (d) Any new or expanded area of a building shall comply with the minimum setback requirements of the district.
- (e) Minimum parking. No less than one off-street parking space for each 200 square feet of building floor area or a minimum of 4 spaces, whichever is greater. All parking shall be provided behind the legal right-of-way.
- (f) The use shall be accessory to a principal agricultural use that is on the same lot or an adjoining lot.
- (g) In addition, "pick your own" fruits and vegetables shall be allowed as a by right use without having to meet the requirements of this use A-2.
- (h) If an operator is only selling products produced by their own family, then a temporary farm stand with a maximum floor area of 150 square feet may also be placed within the minimum front yard.

3. A-3 Forestry. See definition in Section 201.

Note: All tree trunk diameters in this Section shall be measured at 4.5 feet above the ground level.

- (a) Forestry is the management of forests and timberlands through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, beyond tree cutting that is necessary and approved as part of development of land or uses. These provisions are intended to ensure that forestry occurs in accordance with accepted silvicultural practices, as provided in Section 107 of the State Municipalities Planning Code.
- (b) Forestry is permitted by right, provided that a Zoning Permit shall be required for forestry. The following activities shall not need a zoning permit and are not required to comply with subsections 3.(c) and 3.(d):
 - (1) Removal of diseased or dead trees;
 - (2) Removal of trees that are in such a condition or physical position as to constitute a danger to the structure or occupants of properties or a public right-of-way;
 - (3) Removal of trees with a trunk diameter of less than 6 inches;
 - (4) Removal of up to 5 trees with a trunk diameter greater than 6 inches on each acre of land per calendar year, provided such tree removal does not exceed 20 trees with a trunk diameter of 6 inches

- [d] Property boundary of the tract on which the logging will occur and boundary of the proposed harvest area;
 - [e] A stand description for each stand located in the proposed harvest area including number, species, and diameter of trees to be removed;
 - [f] Copies of all required permits shall be submitted as an Appendix to the forestry plan.
-
- (5) Each Forestry Plan shall include a site map containing the following information:
 - [a] Site location and boundaries, including both the boundaries of the property on which the timber harvest will take place and the boundaries of the proposed harvest area within that property;
 - [b] Significant topographic features related to potential environmental problems;
 - [c] Location of all earth disturbance activities such as roads, landings and water control measures and structures;
 - [d] Location of the crossings of all water bodies, including but not limited to, waters of the Commonwealth; and
 - [e] The general location of the proposed operation to municipal and state highways, including any accesses to those highways.
 - (6) Proof of current general liability and/or worker's compensation insurance.
 - (7) Proof of PennDOT Highway Occupancy Permit or Township Driveway Permit for temporary access, as applicable. The application shall only be approved if the applicant demonstrates to the satisfaction of the Township that the area street system is suitable in terms of structure, cartway width, geometry, safety, and capacity to accommodate the additional truck traffic.
 - (8) Copy of County Conservation District "Letter of Adequacy" for the proposed erosion control facilities, including associated plans, reports and other permits as required.
- (d) The following requirements shall apply to all forestry operations, in addition to the requirement for a zoning permit:
 - (1) The Township shall be notified at least five (5) working days prior to the commencement of operations and upon completion of all work prescribed under the forestry plan.
 - (2) The forestry plan and all related permits shall be available at the forestry operation site.

- (3) Before any permitted logging operation begins, all trees which are to be felled in connection therewith, shall be clearly marked on the trunk and stump.
- (4) General operational requirements: The following requirements shall govern all forestry operations:
 - [a] A "No Logging" buffer zone with a width of 25 feet shall be maintained on the property on which the logging operation is to be conducted along all public streets. The buffer shall be measured from the legal right-of-way. No trees shall be cut, removed, skidded or transported within the "No Logging" buffer zone except as necessary for access to the site from the public street.
 - [b] A "No Logging" zone with a width of 40 feet shall be maintained as measured from the bank of perennial streams/watercourses and intermittent streams/watercourses; and 10 feet from the centerline of an ephemeral stream/watercourse. All earth disturbance related to forestry within this zone shall be prohibited with the exception of temporary stream/watercourse crossings permitted by PADEP.
 - [c] No equipment, skidders, dozers, or tracked or tired machines or vehicles, shall be permitted within a no logging buffer zone except to permit crossing pursuant to Subsections [a] and [b] above. No trees shall be felled into a no logging buffer zone.
 - [d] A "Limited Logging" zone with a width of 50 feet shall be maintained on the boundary of the site on which the logging operation is to be conducted along abutting properties and with a width of 60 feet measured from the edge of the "No Logging" zone around streams. Uneven-age management shall be practiced within the Limited Logging Zone where the residual stand must contain at least 70 square feet of basal area per acre consisting of trees 10 inches or greater in diameter at breast height. The limiting logging zone on a property boundary shall not apply in cases where the adjoining property owner has consented, in writing, to logging activities being conducted closer than 50 feet from the property boundary.
 - [e] All temporary stream/watercourse crossings of a perennial or intermittent stream/watercourse shall be made with a temporary bridge. Skidding of trees, and the operation of any vehicle and equipment thru a perennial or intermittent stream/watercourse shall be prohibited.

- [f] Felling or skidding on, or across, any public street is prohibited without written approval of the Township or Pennsylvania Department of Transportation, whichever is responsible for maintenance of said street.
- [g] No tops or slash shall be left within 25 feet of any public roadway.
- [h] All tops and slash shall be lopped to a maximum height of 6 feet above the surface of the ground.
- [i] No tops or slash shall be left on or across a property boundary without the consent of the adjoining landowner.
- [j] Litter (trash) resulting from any forestry operation shall be cleaned up and removed from the site before it is vacated by the operator.
- [k] Any soil, stones and/or debris carried onto public street must be removed immediately.
- [l] On slopes of greater than 25%, uneven-age management shall be practiced where the residual stand must contain 70 square feet of basal area per acre consisting of trees 10 inches or greater in diameter at breast height. No equipment, skidders, dozers, or tracked or tired machines or vehicles shall be permitted on slopes greater than 25%.
- [m] When the harvest is completed, both dirt roads used by the trucks and skid roads used to drag the logs from the woods to the loading area must be graded approximately to original contours, and be seeded and mulched (hardwood or straw mulch) as necessary to establish stable groundcover.
- [n] Temporary stone tire cleaning entrance (when required as part of an approved erosion and sedimentation control plan) must be removed with the area graded to approximate original contour and seeded and mulched to establish stable groundcover.
- [o] The no logging zone required by subsection 403.A.3.(d)(4)[c] above along streams/watercourses shall be marked with survey tape, temporary non-destructive fencing or similar demarcation to prevent accidental incursion into the no logging zone with heavy equipment.
- [p] Snags shall not be cut down unless the snag is a potential hazard to improvements (e.g. dwelling, outbuilding, etc.) on the property.

- (5) No tops or slash shall be left within a drainage swale.
- (6) The use of clear-cutting must be fully justified by a forestry plan prepared by a qualified professional, and shall comply with Section

403.A.3(c)(1). Detailed information concerning increased stormwater runoff, erosion control and a plan to assure regeneration shall be provided. Clearcutting shall not be allowed on contiguous areas greater than 1/2 acre. A full set of stormwater calculations shall be submitted to show that post-development peak runoff will not exceed pre-development peak runoff.

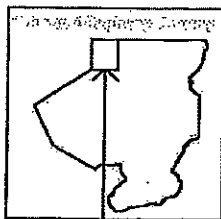
- (7) If forestry involves more than 2 acres, a minimum of 30 percent of the forest cover (canopy) shall be kept and the residual trees shall be well distributed to promote re-forestation. The forestry plan shall provide for replanting where necessary to continue proper forest management.
- (8) Financial Security - Financial security shall be established in a manner acceptable to the Township to guarantee repair of all damage that may occur to public streets due to the forestry/logging operations, and to guarantee compliance with erosion and sedimentation control plans, compliance with stormwater management plans and restoration of the site upon completion of logging operations. Pursuant to 67 Pennsylvania Code, Chapter 189, the Township may also require the landowner or operator to furnish a bond to guarantee the repair of roads. Financial Security shall not be released until the Zoning Officer issues a written notification that all provisions of this Ordinance and the permit have been complied with.

(e) Enforcement

- (1) Inspections. The Township Zoning Officer or other Township designated employee or consultant, may go upon the site of any forestry/logging operation before, during or after active forestry to:
 - (1) review the Forestry Plan or any other required documents for compliance with this Ordinance; and (2) inspect the operation for compliance with the Forestry Plan and other on-site requirements of this Ordinance.
- (2) Violation Notices; Suspensions. Upon finding that a forestry/logging operation is in violation of any provisions of this Ordinance, the Township Zoning Officer shall issue the operator and the landowner a written notice of violation describing each violation and specifying a date by which corrective action must be taken. The Township Zoning Officer may order the immediate suspension of any operation upon finding that: (1) corrective action has not been taken by the date specified in a notice of violation; (2) the operation is proceeding without a Forestry Plan; or (3) the operation is causing an environmental risk. Suspension orders shall be in writing, shall be issued to the operator and the landowner, and shall remain in effect until, as determined by the Township Zoning Officer, the operation is brought into compliance with this Ordinance, or other applicable statutes or regulations.

The landowner or the operator may appeal an order or decision of the Zoning Officer in accordance with the provisions of the Pennsylvania Municipalities Planning Code.

- (3) Penalties. Any landowner or operator who: (1) violates any provision of this Ordinance, or who fails to comply with a notice of violation or suspension order issued under Paragraph 2 of this subsection, shall be subject to a fine of not less than Five Hundred Dollars (\$500.00), nor more than One Thousand Dollars (\$1,000.00), plus costs and attorneys fees, in accordance with the Pennsylvania Municipalities Planning Code. Each day of continued violation of any provision of this Ordinance shall constitute a separate offense.
 - (4) Any operator who knowingly and willfully removes trees not designated for removal in the approved Forestry Plan or removes trees outside of the areas designated for removal by the Forestry Plan shall be subject to a civil penalty in the amount of One Thousand Dollars (\$1,000.00) per tree removed in violation of the provisions of the Forestry Plan and this Ordinance. An operator that violates the riparian buffer (no logging / limited logging zones) sections of this ordinance, when that action results in damage to the streambank, shall be required to restore the streambank in a manner approved by the Township.
4. A-4 Greenhouse. Buildings and structures associated with interior vegetable production and/or horticultural or nursery uses, including permanent, temporary or portable, cold sheds and the like provided:
- (a) This use is required to include a plan for the recycling of some or all fertilizers, pesticides and other organic or inorganic chemicals used in or associated with the use.
 - (b) Minimum lot area – 5 acres.
 - (c) The maximum permitted building surface ratio shall be 0.20, unless a more restrictive requirement is established by the district regulations.
 - (d) Retail sales shall be permitted in association with the greenhouse provided that retail sales shall be limited to items that were primarily grown on the premises, unless a Retail Store is allowed in that District.
 - (e) Parking – one space for each 200 square feet of area devoted to servicing customers.
5. A-5 Intensive Agriculture. This use shall include production of mushrooms, or any raising of livestock or poultry use that involves an average per acre of more than 5 animal equivalent units on the lot or contiguous lots in common ownership. See the definition for "Animal equivalent units" in Section 201.
- (a) Minimum lot area – 25 acres, unless a larger lot area is required by the zoning district regulations.
 - (b) All of the requirements for use A-1 shall also be met.



MARSHALL TOWNSHIP
525 PLEASANT HILL ROAD
SUITE 100
WEXFORD, PA 15090

**APPLICATION FOR TIMBER HARVESTING
AND FOREST MANAGEMENT PERMIT**

Refer: Marshall Township Zoning Ordinance, Township Code Chapter 208 – Article 2400 (enclosed below)

Date: _____ Location of proposed work: _____
(number and street)

Plan: _____ Lot Number: _____ Zoning District: _____

Lot Area (permit not required for lots under 1 acre in size): _____ acres

Name of applicant: _____ Phone No.: _____

Address: _____ Fax No.: _____

Name of property owner: _____ Phone No.: _____

Address: _____ Fax No.: _____

Name of forester: _____ Phone No.: _____

Address: _____ Fax No.: _____

The Marshall Township Zoning Ordinance defines a TIMBER HARVESTING OPERATION as the act of cutting live trees for timber, for pulp, or for any commercial or non-commercial purpose, except:

- (1) cutting on the property of the landowner for the sole use of the landowner;
- (2) clearing pursuant to a development plan approved by the Township Board of Supervisors;
- (3) clearing for construction of a single-family detached dwelling and any accessory uses or structures; and/or
- (4) clearing for farming operations where farming is the principal source of income.

A timber harvesting operation shall include the acts of timber harvesting, site clean-up and site restoration.

§ 208-2401. Purpose.

IN ORDER TO CONSERVE FORESTS AND THE ENVIRONMENTAL AND ECONOMIC BENEFITS THEY PROVIDE, IT IS THE POLICY OF MARSHALL TOWNSHIP TO ENCOURAGE THE OWNERS OF FOREST LAND TO CONTINUE TO USE THEIR LAND FOR FORESTRY PURPOSES, INCLUDING TIMBER PRODUCTION, WILDLIFE HABITAT MANAGEMENT, WATERSHED PROTECTION, RECREATIONAL OPPORTUNITIES AND AMENITY VALUES. THE FOLLOWING PROVISIONS ARE INTENDED TO FURTHER THIS POLICY BY PROMOTING GOOD FOREST STEWARDSHIP, PROTECTING THE RIGHTS OF ADJOINING PROPERTY OWNERS, MINIMIZING THE POTENTIAL FOR ADVERSE ENVIRONMENTAL IMPACTS AND AVOIDING UNREASONABLE AND UNNECESSARY RESTRICTIONS ON THE RIGHT TO PRACTICE FORESTRY.

§ 208-2402. Permit required.

- A. TIMBER HARVESTING OPERATIONS within the Township of Marshall on any parcel of property over one (1) acre in size shall require a timber harvesting permit, which shall be valid for a period of one (1) year. The timber harvesting permit shall be issued by the Township for the entire site, but subject to review for each cutting block. Harvesting will be controlled by establishing cutting blocks on the permitted site. A timber harvesting permit shall be valid for a maximum of one (1) cutting block at a time. The harvester shall complete and restore a cutting block to the satisfaction of the Township before commencing timber harvesting in the next cutting block. A timber harvesting operation that moves from one cutting block to another without first receiving the approval of the Township shall be considered a violation of this Chapter and shall be subject to the penalties referenced in this Chapter and any other appropriate legal processes. If the timber harvesting operation is conducted without or in violation of a Township permit, then the landowner and the timber harvesting operator shall each be in violation of this Chapter and each shall be subject to the penalties under this Chapter.

3. Stormwater Management Plans and regulations issued pursuant to the Stormwater Management Act (32 P.S. §§ 680.1 et seq.), as amended.
 - a. Relationship of state laws, regulations, and permits to the Forest Management Plan. Any permits required by State laws and regulations shall be attached to and become part of the Forest Management Plan. An Erosion and Sedimentation Pollution Control Plan that satisfies the requirements of 25 Pennsylvania Code, Chapter 102, shall also satisfy the minimum requirements for the Forest Management Plan and associated map specified in paragraphs A and B of this section provided that air information required by these paragraphs is included or attached.
 - b. Best Management Practices. Best management practices as provided for in "Best Management Practices for Pennsylvania Forests", Penn State College of Agricultural Sciences 1996, as amended; "Best Management Practices for Silvicultural Activities in Pennsylvania's Forest Wetlands", Penn State University School of Forest Resources, College of Agricultural Sciences, and the Pennsylvania Hardwoods Development Council, 1993, as amended; and "Controlling Erosion and Sediment from TIMBER HARVESTING OPERATIONS", The Commonwealth of Pennsylvania Department of Environmental Protection Bureau of Water Quality Protection, 1999, as amended, shall be utilized, for all forest management and timber harvesting operations. Any conflict in what is the best management practice shall be decided by the Township Forester who shall determine the best management practice consistent with the above guidelines.

§208-2406. General requirements.

- A. The following requirements shall apply to all TIMBER HARVESTING OPERATIONS in the Township.
 1. All timber harvesting slash shall either remain on the ground as it fell (no slash shall be taller than (6) feet in height), be accumulated into bush piles of height not exceeding six (6) feet above ground, be mulched on the site, or be removed from the site.
 2. All slash piles shall be located a minimum of fifty (50) feet from any public road, private road, driveway, and/or property line.
 3. Diameter-limit: cutting shall not be permitted.
 4. Clearcutting shall not be permitted on a property unless approved by the Township Forester based upon a determination that: clearcutting will significantly assist in forest regeneration; clearcutting will not cause excessive erosion and sedimentation; clearcutting will not be done within 50 feet of any public road right-of-way or any abutting property; clearcutting is consistent all applicable federal, state and local.
 5. Timber harvesting shall not be undertaken on any ground with a slope exceeding fifty percent(50%).
 6. Timber Harvesting on slopes exceeding twenty-five percent (25 %) will be permitted as long as the harvesting is not taking place on soils prone to slipping and landslides as per the Soil Survey of Allegheny County, Pennsylvania.
 7. Proper erosion and sedimentation control measures shall be taken on disturbed property to prevent accelerated water runoff.
 8. No on-site retail sale of harvested wood or logs shall be permitted on the property unless the property is located in a commercial zoning district.
 9. Timber buffer zones of twenty-five (25) feet along all public roads, private roads, and property lines shall be maintained on the property on which the timber harvesting is being conducted.
 10. Timber buffer zones of twenty-five (25) feet along all streams or springs shall be maintained on the property on which the timber harvesting is being conducted.

Phone: 724-935-3090 · Fax: 724-935-3203 e-mail: marshall@twp.marshall.pa.us

11. All cutting, removing, skidding and transporting of trees as part of the timber harvesting shall be planned and performed in such a manner as to minimize the disturbance of or damage to other trees, vegetation and the land itself.
12. Roads and trails shall be constructed, maintained and abandoned in such manner as to prevent soil erosion and permanent damage to soil and waterways.
13. Where possible, stream crossings shall be avoided, however where deemed necessary by the Township Forester and/or Township Engineer crossings shall be made at right angles across suitable culverts or bridges.
14. Hauling or skidding or placing fills or other obstructions in perennial or intermittent streams is prohibited ~~except over culverts or bridges and as approved by the Township Forester and/or Township Engineer.~~
15. Felling or skidding on or across property of others is prohibited without the express written consent of the owners of such property. Felling or skidding on or across any public street is prohibited without the express written consent of the Township (in the case of Township roads), the Pennsylvania Department of Transportation (in the case of State Roads), or Allegheny County (in the case of County Roads).
16. Upon the completion of timber harvesting, all skid and haul roads shall be seeded with annual grasses and access to such roads from public or private streets by motor vehicles of any kind shall be effectively blocked.
17. Before timber harvesting begins, all trees which are to be felled in connection therewith shall be clearly marked on the trunk and the stump so that the same may be easily identified both before and after a tree has been felled. No trees shall be felled which have not been designated for removal on the Forest Management Plan as finally approved by the Township.
18. Any more restrictive provisions, in this Chapter or any other Township ordinances that protects bicentennial trees shall apply.
19. Timber harvesting operations shall be conducted at a time of the year when the Township Forester determines that the least amount of environmental damage will occur and are subject to being shut down if they occur at other times.
20. Upon completion of a timber harvesting operation, all disturbed areas such as the landings, roads and critical areas must be reseeded with annual grasses as determined by the Township Forester.
21. Applicants, permittees, landowners and timber harvesting operations shall comply with all applicable federal, state, county and Township ordinances and regulations.

§208-2407. Use of Township Roads.

- A. FOR ALL TIMBER HARVESTING OPERATIONS, PRIOR TO HAULING ON ANY TOWNSHIP ROAD, FINANCIAL SECURITY SHALL BE POSTED IN ACCORDANCE WITH §208-204.1. HEREOF. THE TOWNSHIP ENGINEER AND/OR HIS DESIGNEE SHALL PREPARE A REPORT PRIOR TO HAULING TO ESTABLISH THE EXISTING ROAD CONDITION AND FOR THE PURPOSE OF ESTABLISHING REASONABLE TIMES AND CONDITIONS FOR HAULING LOGS AND RELATED MATERIAL SO THAT DAMAGE TO THE ROAD WILL BE MINIMIZED. SUCH CONDITIONS MAY INCLUDE, WITHOUT LIMITATION, LIMITING HAULING TO DRY PERIODS. THE TOWNSHIP SHALL BE NOTIFIED DURING NORMAL WORKING HOURS AS TO WHEN HAULING WILL BEGIN FROM A CUTTING BLOCK SO THAT THE FIRST TRUCK CAN BE FOLLOWED TO DETERMINE IF THE ROADWAY IS BEING DAMAGED.

§208-2411. Liability.

- A. Neither the issuance of timber harvesting permits under the provisions of this Article nor the compliance with the provisions hereto or with any conditions imposed by the Township hereunder shall relieve any person from the responsibility for the damage to any persons or property otherwise imposed by law, nor impose any liability upon the Township for damages to persons or property. Nothing in this Article is to be interpreted as eliminating or reducing the Immunities (statutory or common law) enjoyed by the Township or its elected or appointed officials.
1. No caustic materials or HAZARDOUS WASTE in any form shall be deposited upon a LOT in such a manner that they may be transferred below the surface of the LOT by natural causes or forces.
 2. There shall be no OUTDOOR STORAGE or accumulation for a period in excess of seven (7) DAYS of any waste materials, materials which produce fumes detectable at the LOT LINE, inflammable material, edible material, material which would be a harborage or breeding place for rodents or insects or abandoned, wrecked or junked vehicles.
 3. All storage shall be in a completely enclosed BUILDING or at a minimum where permitted shall be enclosed by a FENCE adequate to conceal the facilities from any adjacent property or screened from view by an effective screen. Portable storage or CONSTRUCTION trailers shall not be used to meet these screening requirements.

-I HEREBY CERTIFY THAT ALL INFORMATION PRESENTED BY ME IN THIS APPLICATION IS TRUE AND CORRECT. I FURTHER CERTIFY THAT ALL LOGGING OPERATIONS WILL BE CONDUCTED IN ACCORDANCE WITH THE MARSHALL TOWNSHIP ZONING ORDINANCE, TOWNSHIP CODE CHAPTER 208 – ARTICLE 2400, AS WELL AS WITH ANY OTHER REASONABLE CONDITIONS THAT MAY BE PLACED UPON THIS PERMIT.-

Applicant's Signature

Date

DO NOT WRITE IN THIS SPACE. OFFICIAL USE ONLY.

Township Consulting Forester: _____ Date Reviewed: _____

Approved / Denied (circle one) Comments or reason for denial: _____

Conditions: _____

Planning Director/Zoning Officer _____ Date Reviewed: _____

Approved / Denied (circle one) Comments or reason for denial: _____

Conditions: _____

Phone: 724-935-3090 Fax: 724-935-3203 e-mail: marshall@twp.marshall.pa.us

(f) Retail sales shall meet the requirements of Use A7 Agricultural Retail.

(g) A cold frame shall not be considered impervious surface and shall not require a zoning permit provided that it does not remain on the ground for more than 5 months in a calendar year.

(h) All applicable regulations of the Pennsylvania Department of Environmental Protection (DEP) shall be met.

(i) The keeping of animals other than pets on 10 acres or more of contiguous land shall be governed by Pennsylvania Act 38 of 2005, as may be amended, known as the Agriculture, Communities and Rural Environment Act (ACRE), 3 Pa.C.S.A. §101 *et seq.*

(j) Feedlots, pens and confinement areas shall not be situated less than 30 feet from any stream or swale.

(k) The raising of ferrets and/or garbage-fed pigs shall not be permitted.

(l) Commercial kennels are not included in this use (see Use A6).

(m) No structure for the storage or processing of manure, garbage, or spent mushroom compost or structures for the cultivation of mushrooms shall be situated less than 100 feet from any street line or property line. No storage or processing of manure, garbage or spent mushroom compost shall take place outdoors.

(n) Parking: One off-street parking space for each employee.

(o) In the case of conflicts between provisions of this Chapter and regulations of Pennsylvania Act 38 of 2005, as may be amended, known as the Agriculture, Communities and Rural Environment Act (ACRE), Pennsylvania Act 38 of 2005, as may be amended, 3 Pa.C.S.A. §101 *et seq.*, shall govern.

A4 Forestry. The management of forests and timberlands when practiced in accordance with accepted silvicultural principles through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development, are subject to the following provisions:

(a) For all forestry operations, a zoning permit shall be required and the following conditions shall be met:

1) All applications for a forestry zoning permit shall be accompanied by a forestry management plan, prepared by a qualified forester in accordance with the best management practices of the sustainable forestry initiative and the principles and criteria of the Forestry Stewardship Council. The plan shall be submitted to the Zoning Officer or appropriate municipal authority and the Bucks County Conservation District (BCCD) for approval. All forestry management plans shall contain the following minimum requirements:

a) Existing features plan which includes the surveyed site boundary, a site location map, adjacent roadways (site access), the overall site area, existing structures, the location and identification of the principle variety or varieties of trees on the site, and all natural resources found on the site, including, but not limited to, slopes,

Escrow fees shall also be required to cover the expense of the plan review by the Township's professionals, as well as meeting attendance, and necessary inspections.

8) A minimum of two meetings are required with the applicant and the Township's professionals. One meeting shall take place prior to any clearing to field verify items contained within the management plan and ~~another inspection meeting shall follow each stage of reforestation to~~ verify proper planting techniques in accordance with the approved management plan and to allow for the release of set bonds. Officials from the BCCD should also be in attendance at these meetings.

9) A copy of the required forestry management plan and zoning permit shall be available on the site at all times. The forestry operation is subject to site inspection by Township officials.

(b) Any landowner or operator who violates any provision of this Section or who willfully or negligently violates any provision of this Section is subject to the provisions of Part 13 of this Chapter and/or any additional penalties approved by the Board of Supervisors.

(c) Individual property owners who choose to cut a tree or trees as part of yard maintenance shall be exempt from the provisions of this Chapter if the following conditions are met:

1) The area to be cleared shall not exceed ½ of an acre.

a) Compliance with §27-514.E of this Chapter which requires that no more than 20% of the woodlands on a site be altered, regraded, cleared or built-upon, unless approved by the governing body.

b) The tree or trees to be removed are dead or diseased.

c) The tree or trees to be removed are in such condition or physical position as to constitute a danger to the structures or occupants of properties or a public right-of-way.

d) Should the area exceed ½ of an acre, exceed the woodlands protection of 80%, or include more than the removal of dead trees or selective clearing, a zoning permit shall be required from the zoning officer.

(d) Prior to the start of any forestry activities, the applicant shall provide the Township with a signed, recorded agreement clearly stating that no cutting or clearing shall be considered to reduce the area of the forest/woodland for any subdivision or land development, proposed or not, pursuant to this Chapter.

(e) Cutting of trees and/or grading which is initiated 2 years or less before the submission of plans for subdivision, land development, or building permits is presumed to be in anticipation of development. If an application for building, subdivision or land development is submitted for the property within 2 years of the date cutting and/or grading began, the requirements for natural resource protection, as set forth in §27-514 of this Chapter, shall be applied to the property as it was prior to removal of trees or grading. If woodland removal, tree removal, or grading exceeds the limits set forth in §27-514, the applicant is required to replace trees removed during the tree or woodland removal

process. Replacement will be based upon the actual number and size of trees or woodland removed, and trees shall be replaced on an inch-for-inch basis. Determination of actual caliper-inches of trees removed may be determined through site inspection or on the basis of tree inventory that was submitted to the Township. If it is not possible to determine the caliper inches removed, then replacement trees shall be provided so that there shall be a minimum of 1,500 caliper-inches of trees per acre after replanting.

A5 Riding Academy. An establishment where horses are boarded and cared for and/or where instruction in riding, jumping and showing is offered and/or the general public may, for a fee, hire horses for riding. A riding academy is subject to the following provisions:

- (a) Minimum lot area: 5 acres.
- (b) Any building or structure used for the keeping or raising of horses shall be situated not less than 100 feet from any street line or property line.
- (c) Silos shall be situated not less than one and one quarter times the height of the silo from any street line or property line.
- (d) Maximum impervious surface ratio: 3%.
- (e) One single-family detached dwelling shall be permitted on the same tract with this principal use provided that the yard and setback requirements for B1A Single-Family Detached Exemption Use for the applicable zoning district shall be met. If additional dwelling units are proposed, the requirements of Use A8 Farm Unit shall be met.
- (f) Shows and/or competitions shall meet the requirements of Use H9 Temporary Community Event.
- (g) Retail sales of related items shall be limited to a maximum floor area of 750 square feet.
- (h) No area for the storage or processing of animal waste shall be situated less than 200 feet from any street line or property line.
- (i) No more than one horse per acre shall be permitted.
- (j) Parking: One off-street parking space for every three persons present at such facilities when they are filled to capacity plus one additional off-street parking space for each full-time employee.

A6 Commercial Kennel. An establishment, structure, lot or portion of a lot on or in which six or more dogs, cats or domestic pets are housed, bred, boarded, trained or sold or in which animals are raised for laboratory use or for furs and skins. A commercial kennel is subject to the following provisions:

- (a) Minimum lot area: 10 acres.
- (b) No animal shelter or run shall be located closer than 200 feet from any street line or property line.
- (c) Maximum impervious surface ratio: 3%.
- (d) One single-family detached dwelling shall be permitted on the same tract with this principal use provided that the yard and setback requirements for the B1A Single-Family Detached Exemption Use for the applicable zoning district shall be met. If additional dwelling units are proposed, the require-

ZONING

- B. Any building or structure used for the keeping or raising of livestock, horses or poultry shall be situated not less than 200 feet from any street line or property line.
- C. **Maximum Impervious Surface Ratio.** Twenty percent.
- D. ~~All applicable regulations of the Pennsylvania Department of Environmental Protection shall be met.~~
- E. Feedlots, pens and confinement areas shall not be situated less than 250 feet from any stream or swale and shall not be located within the 100 year floodplain.
- F. The applicant must prepare, as part of the application for the use, the following:
 - (1) A nutrient management plan as required by the Pennsylvania Nutrient Management Act, Act of May 20, 1993 (P.L. 12, No. 6).
 - (2) A Chapter 102 erosion and sedimentation control plan.
 - (3) A national pollution discharge elimination system permit.
- G. All facilities shall meet the requirements of the Pennsylvania Nutrient Management Act.
- H. One dwelling unit is permitted and shall meet the requirements of Use B1.
- 4. **A4 Forestry/Timber Harvesting.**
 - A. **Purpose.** To preserve forests and the environmental and economic benefits they provide, it is the policy of the Township to encourage the owners of forest land to continue to use their land for forestry purposes, including the long-term production of timber, recreation, wildlife and amenity values. The timber harvesting regulations contained in subsections (A) through (H) are intended to further this policy by (1) promoting good forest stewardship; (2) protecting the rights of adjoining property owners; (3) minimizing the potential for adverse environmental impacts; and (4) avoiding unreasonable and unnecessary restrictions on the right to practice forestry.
 - B. **Scope; Applicability.** A zoning permit shall be required for all forestry/timber harvesting activities, however, an individual property owner need not obtain a permit to cut a tree or trees as part of normal home maintenance and upkeep, and the following activities are specifically exempted:

- (1) Removal of diseased or dead tree.
- (2) Removal of trees which are in such a condition or physical position as to constitute a danger to the structures or occupants of properties or a public right-of-way.
- (3) Removal of up to five trees per acre of woodlands per year, not to exceed a total of 10 trees per lot, or any combination of adjoining lots in common ownership, which are 12 inches or more in diameter, measured at breast height (dbh), and not covered by the exemptions in the foregoing two subsections.
- (4) When a building permit is issued for a building, structure or use, the permittee may cut down any trees which exist in the space to be occupied by such building, structure or use, or within 30 feet of such building, structure or use, and all space within 10 feet of all sides of any utility line, stormwater conveyance or detention structure, driveway, parking area, water system or sewage disposal system or permitted accessory uses.

C. **Definitions.** As used in subsections (A) through (H), the following terms shall have the meanings given them in this Section.

FELLING - the act of cutting a standing tree so that it falls to the ground.

FORESTRY - the management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve land development. Clear cutting or selective cutting of forest lands for a land use change are excluded from this definition.

LANDING - a place where logs, pulpwood or firewood are assembled for transportation to processing facilities.

LANDOWNER - an individual, partnership, company, firm, association or corporation that is in actual control of forest land, whether such control is based on legal or equitable title, or on any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner, and any agents thereof acting on their behalf, such as forestry consultants, who set up and administer timber harvesting.

LITTER - discarded items not naturally occurring on the site such as tires, oil cans, equipment parts and other rubbish.

LOP - to cut tops and slash into smaller pieces to allow the material to settle close to the ground.

ZONING

OPERATOR - an individual, partnership, company, firm, association or corporation engaged in timber harvesting, including the agents, subcontractors and employees thereof.

PRECOMMERCIAL TIMBER STAND IMPROVEMENT - a forest practice, such as thinning or pruning, which results in better growth, structure, species composition, or health for the residual stand but which does not yield a net income to the landowner, usually because any trees cut are of poor quality, too small or otherwise of limited marketability or value.

SKIDDING - dragging trees on the ground from the stump to the landing by any means.

SLASH - woody debris left in the woods after logging, including logs, chunks, bark, branches, uprooted stumps and broken or uprooted trees or shrubs.

STAND - any area of forest vegetation whose site conditions, past history and current species composition are sufficiently uniform to be managed as a unit.

STREAM - any natural or artificial channel of conveyance for surface water with an annual or intermittent flow within a defined bed and banks.

TIMBER HARVESTING, TREE HARVESTING OR LOGGING - the process of cutting down trees and removing logs from the forest for the primary purpose of sale or commercial processing into wood products. Clear cutting or selective cutting of forest lands for a land use change are excluded from this definition.

TOP - the upper portion of a felled tree that is unmerchantable because of small size, taper or defect.

WETLAND - areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions including swamps, marshes, bogs and similar area.

D. Notification; Preparation of a Forestry/Logging Plan.

- (1) **Notification of Commencement or Completion.** For all forestry and timber harvesting operations that are expected to exceed 1 acre, the landowner shall notify the Township enforcement officer at least 10 business days before the operation commences and within 5 business days before the operation is complete. No timber harvesting shall occur until the notice has been provided. Notification shall be in writing and shall specify the land on which harvesting will occur, the expected size of the harvest area, and, as applicable, the anticipated starting or completion date of the operation.

- (2) **Logging Plan.** Every landowner on whose land timber harvesting is to occur shall prepare a written logging plan in the form specified by this Chapter. No timber harvesting shall occur until the plan has been prepared. The provisions of the plan shall be followed throughout the operation. The plan shall be available at the harvest site at all times during the operation and shall be provided to the Township enforcement officer upon request.
- (3) **Responsibility for Compliance.** The landowner and the operator shall be jointly and severally responsible for complying with the terms of the logging plan.

E. Contents of the Forestry/Logging Plan.

- (1) **Minimum Requirements.** As a minimum, the logging plan shall include the following:
 - (a) Design, construction, maintenance and retirement of the access system, including haul roads, skid roads, skid trails and landings.
 - (b) Design, construction and maintenance of water control measures and structures such as culverts, broad-based dips, filter strips and water bars.
 - (c) Design, construction and maintenance of stream and wetland crossings.
 - (d) The general location of the proposed operation in relation to municipal and State highways, including any accesses to those highways.
 - (e) Copies of all required permits, submitted as an appendix to the plan.
 - (f) Proof of current general liability and/or worker's compensation insurance.
 - (g) Proof of PennDOT highway occupancy permit or Township driveway permit for temporary access, as applicable.
 - (h) A copy of Bucks County Conservation District "Letter of Adequacy" for the proposed erosion control facilities, including associated plans, reports and other permits as required.
- (2) **Map.** Each forestry/logging plan shall include a site map containing the following information:

ZONING

- (a) Site location and boundaries, including both the boundaries of the property on which the timber harvest will take place and the boundaries of the proposed harvest area within that property;
 - (b) Significant topographic features related to potential environmental problems.
-
- (c) Location of all earth disturbance activities such as roads, landings and water control measures and structures.
 - (d) Location of all crossings of Waters of the Commonwealth.
 - (e) The general location of the proposed operation to municipal and State highways, including any accesses to those highways.
- (3) **Compliance with State Law.** The forestry/logging plan shall address and comply with the requirements of all applicable State laws and regulations including, but not limited to, the following:
 - (a) Erosion and sedimentation control regulations contained in 25 Pennsylvania Code, Chapter 102, promulgated pursuant to the Clean Streams Law (35 P.S. §§ 691.1, *et seq.*).
 - (b) Stream crossing and wetlands protection regulations contained in 25 Pennsylvania Code, Chapter 105, promulgated pursuant to the Dam Safety and Encroachments Act (32 P.S. §§ 693.1, *et seq.*).
 - (c) Stormwater management plans and regulations issued pursuant to the Stormwater Management Act (32 P.S. §§ 680.1, *et seq.*).
 - (4) **Compliance with Federal Law/Regulations.** The forestry/logging plan shall address and comply with the requirements of all applicable Federal laws and regulations including, but not limited to, the Best Management Practices (BMPs) as set forth at 33 CFR 323.4[a][6][i-xv].
 - (5) **Compliance with Township Ordinances.** The forestry/logging plan shall verify compliance with the Stormwater Management *Ord. 00-7-18-1* adopted on July 18, 2000 [Chapter 26, Part 1].
- F. **Forest Practices.** The following requirements shall apply to all forestry/timber harvesting operations in the Township.
- (1) Felling or skidding on or across any public thoroughfare is prohibited without the express written consent of the Township or the Pennsylvania Department of Transportation, whichever is responsible for maintenance of the thoroughfare.

- (2) No tops or slash shall be left within 25 feet of any public thoroughfare or private roadway providing access to adjoining residential property.
 - (3) All tops and slash between 25 and 50 feet from a public roadway or private roadway providing access to adjoining residential property or within 50 feet of adjoining residential property shall be lopped to a maximum height of 4 feet above the surface of the ground.
-
- (4) No tops or slash shall be left on or across the boundary of any property adjoining the operation without the consent of the owner thereof.
 - (5) Litter resulting from a timber harvesting operation shall be removed from the site before it is vacated by the operator.
 - (6) Any soil, stones and/or debris carried onto public roadways must be removed immediately.
 - (7) No forestry/logging use shall be permitted within areas with slopes of 26% or greater.
 - (8) When the harvest is completed, both dirt roads used by the trucks and skid roads used to drag the logs from the woods to the loading area must be graded approximately to original contours, and be seeded and mulched as necessary to establish stable groundcover.
 - (9) A "No Logging" buffer zone with a width of 25 feet shall be maintained along any street abutting or running through a property on which the forestry/logging operation is to be conducted. The buffer shall be measured from the ultimate right-of-way of a public street and from the easement boundary of a private street. No trees shall be cut, removed, skidded, or transported in a "No Logging" buffer zone except as necessary for access to site from the street.
 - (10) A "No Logging" buffer zone with a width of 50 feet shall be maintained along all properties abutting a property on which the logging operation is to be conducted. The buffer shall be measured from the property line. No trees shall be cut, removed, skidded, or transported in a "No Logging" buffer zone except as necessary for access to site from a street.
 - (11) A "No Logging" riparian buffer zone with a width of 75 feet shall be maintained along both sides of any watercourse or canal that abuts or runs through a property on which the forestry, logging, or timber harvest operation is to be conducted. The buffer shall be measured from the high water mark of the watercourse or canal. No trees shall be cut, removed, skidded, or transported in a "No Logging" riparian buffer zone.
- G. Financial security shall be established in a manner acceptable to the Township to guarantee repair of all damage that may occur to public streets due to the

ZONING

forestry/logging operations, and to guarantee compliance with erosion and sedimentation control plans, compliance with stormwater management plans and restoration of the site upon completion of logging operations. Pursuant to 67 Pennsylvania Code, Chapter 189, the Township may also require the landowner or operator to furnish a bond to guarantee the repair of such roads.

H. Enforcement.

- (1) **Inspections.** Any official or employee of the Township may go upon the site of any timber harvesting operation before, during or after active logging to: (1) review the logging plan or any other required documents for compliance with this Chapter; and (2) inspect the operation for compliance with the logging plan and other onsite requirements of this Chapter.
- (2) **Violation Notices; Suspensions.** Upon finding that a forestry or timber harvesting operation is in violation of any provisions of this Chapter, the Township shall issue the operator and the landowner a written notice of violation describing each violation and specifying a date by which corrective action must be taken. The Township may order the immediate suspension of any operation upon finding that: (1) corrective action has not been taken by the date specified in a notice of violation; (2) the operation is proceeding without a logging plan; or (3) the operation is causing an environmental risk. Suspension orders shall be in writing, shall be issued to the operator and the landowner, and shall remain in effect until, as determined by the Township, the operation is brought into compliance with this Chapter, or other applicable statutes or regulations. The landowner or the operator may appeal an order or decision of an official or employee of the Township in accordance with the provisions of the Pennsylvania Municipalities Planning Code.
- (3) **Penalties.** Any landowner or operator who: (1) violates any provision of this Chapter, or who fails to comply with a notice of violation or suspension order issued under subsection (H)(2) shall be subject to a fine of not less than \$500, nor more than \$1,000, plus costs and attorneys fees, in accordance with the Pennsylvania Municipalities Planning Code. Each day of continued violation of any provision of this Chapter shall constitute a separate offense.

5. **A5 Accessory Farm Business.** An accessory farm business is an activity, as specifically defined and regulated by this Chapter, that is conducted on the land in addition and accessory to the principal use of farming the land. The purpose of these regulations is to encourage the continuation of farming and the preservation of farmland in the Township by allowing working farmers to market their products and services directly to the public and by allowing use of farmland for farm-related activities as accessory uses, provided that such activities are conducted in a manner that is compatible with the rural residential character of the Township.

subsection 3, during the keeping and raising of traditional agricultural animals within the parameter of the youth programs.

d. *Pets, Accessory to Residential Use.* The keeping of animals as pets, accessory to a residential use, will be governed by ordinance enacted by the participating municipalities.

[JMZO Ord. 2006-04]

4. *Parking.* No less than two (2) off-street parking spaces per dwelling unit and one (1) space per two employees.

5. *Aquaculture.* Aquaculture is defined as the farming of aquatic organisms including fish, mollusks, crustaceans and aquatic plants with some sort of intervention in the rearing process to enhance production, such as regular stocking, feeding, protection from predators, etc. Aquaculture also encompasses individual or entity ownership of the organism being reared, harvested and/or cultivated in contrast to capture fisheries in which aquatic organisms are exploited as a common property source, irrespective of whether harvest is undertaken with or without exploitation rights. Aquaculture is permitted as part of an agriculture and horticulture use; provided that:

a. A minimum 100 foot setback shall be provided between any adjoining property/structure and any tank, pond, body of water or other structure built or used in relation to an aquaculture operation activity.

b. All required federal, state, and county permits have been obtained to the satisfaction of the Township.

[JMZO Ord. 2004-14]

A-2 Intensive Agriculture. Intensive agriculture, including but not limited to feedlots, confinement livestock, or poultry operations taking place in structures or closed pens, shall be permitted subject to the following: [JMZO Ord. 2006-04]

1. The minimum site area for such use shall be ten (10) acres.

2. Dwellings and accessory farm buildings shall be permitted in accordance with the regulations for Agriculture and Horticulture, Use A-1.

3. The maximum permitted impervious surface ratio of the site shall be twenty (20) percent.

4. All applicable regulations of the Pennsylvania Department of Environmental Protection shall be met.

5. If any stream or swale is present, it shall be buffered by a twenty (20) foot strip outside of the outer edge of the floodplain or alluvial soils. An engineering study shall be required insuring the stream is adequately protected from pollution.

6. *Parking.* No less than one (1) off-street parking space per two (2) employees.

A-3 Forestry.

1. *Policy; Purpose.* In order to preserve forests and the environmental and economic benefits they provide, it is the policy of the Participating Municipalities to encourage the owners of forest land to continue to use their land for forestry purposes, including the long-term production of timber,

recreation, wildlife and amenity values. The forestry regulations contained herein are intended to further this policy by (1) promoting good forest stewardship; (2) protecting the rights of adjoining property owners; (3) minimizing the potential for adverse environmental impacts; and (4) avoiding unreasonable and unnecessary restrictions on the right to practice forestry.

2. *Scope; Applicability.* A zoning permit shall be required for all forestry activities, however, an individual property owner need not obtain a permit to cut a tree or trees as part of normal home maintenance and upkeep, and the following activities are specifically exempted from the permit requirement:

- a. Removal or diseased or dead trees.
- b. Removal of trees which are in such a condition or physical position as to constitute a danger to the structures or occupants of properties or a public right-of-way.
- c. Removal of up to five (5) trees per single acre of woodlands per year which are twelve (12) inches or more in diameter, measured at a point four (4) feet above grade, and not covered by the exemptions in the foregoing two (2) subsections.
- d. When a building permit is issued for a building, structure or use, the permittee may cut down any trees which exist in the space to be occupied by such building, structure or use, or within thirty (30) feet of such building, structure or use, and all space within ten (10) feet of all sides of any utility line, stormwater conveyance or detention structure, driveway, parking area, water system or sewage disposal system, or permitted accessory uses.
- e. Pulp farming, in checkerboard fashion not to exceed fifty (50) percent of the total area of the forest on the lot. The areas cut shall be reforested.
- f. Christmas tree farming.
- g. Orchard operations.
- h. Removal of Nursery Stock.

3. *Definitions.* As used herein, the following terms shall have the meanings given them in this Section.

- a. "*Clear Cutting*" means the removal and cutting of an entire timber stand.
- b. "*Felling*" means the act of cutting a standing tree so that it falls to the ground.
- c. "*Forestry*" means the management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development. Clear cutting or selective cutting of forest lands for a land use change are excluded from this definition.

d. "*Landing*" means a place where logs, pulpwood or firewood are assembled for transportation to processing facilities.

e. *"Litter"* means discarded items not naturally occurring on the site such as tires, oil cans, equipment parts and other rubbish.

f. *"Lop"* means to cut tops and slash into smaller pieces to allow the material to settle close to the ground.

g. *"Operator"* means an individual, partnership, company, firm, association or corporation engaged in forestry activities, including the agents, subcontractors and employees thereof.

h. *"Landowner"* means an individual, partnership, company, firm, association or corporation that is in actual control of forest land, whether such control is based on legal or equitable title, or on any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner, and any agents thereof acting on their behalf, such as forestry consultants, who set up and administer forestry activities.

i. *"Precommercial timber stand improvement"* means a forest practice, such as thinning or pruning, which results in better growth, structure, species composition, or health for the residual stand but which

does not yield a net income to the landowner, usually because any trees cut are of poor quality, too small or otherwise of limited marketability or value.

j. *"Skidding"* means dragging trees on the ground from the stump to the landing by any means.

k. *"Slash"* means woody debris left in the woods after logging, including logs, chunks, bark, shavings, woodchips, branches, uprooted stumps and broken or uprooted trees or shrubs. Stumps shall be cut to within six (6) inches of the ground.

l. *"Stand"* means any area of forest vegetation whose site conditions, past history and current species composition are sufficiently uniform to be managed as a unit.

m. *"Stream"* means any natural or artificial channel of conveyance for surface water with an annual or intermittent flow within a defined bed and banks.

n. *"Timber harvesting," "Tree harvesting," or "Logging"* means the processing of cutting down trees and removing logs from the forest for the primary purpose of sale or commercial processing into wood products.

o. *"Top"* means the upper portion of a felled tree that is unmerchantable because of small size, taper or defect.

4. *Permit; Preparation of a Forestry/Logging Plan.*

a. *Permit.* All forestry operations shall require a zoning permit from the Township and shall meet all requirements of subsections 4 and 5 of this Article before issuance of the permit.

b. *Notification of Commencement or Completion.* For all forestry operations the landowner shall notify the Township Enforcement Officer at least ten (10) business days before the operation commences and within five (5) business days before the operation is complete. The landowner whose land is to be harvested shall provide at least fourteen days written notice to all property owners within five hundred (500) feet of the site of the harvest. No forestry operations shall occur until the notices have been provided. Notification shall be in writing and shall specify the land on which harvesting will occur, the expected size of the harvest area, and, as applicable, the anticipated starting and/or completion dates of the operation.

c. *Logging Plan.* Every landowner on whose land forestry operations is to occur shall prepare a written logging plan in the form specified by this Ordinance. No forestry operation shall occur until the plan has been prepared. The provisions of the plan shall be followed throughout the operation. The plan shall be available at the harvest site at all times during the operation and shall be provided to the Township Enforcement Officer upon request.

d. *Responsibility for Compliance.* The landowner and the operator shall be jointly and severally responsible for complying with the terms of the logging plan.

5. *Contents of the Forestry/Logging Plan.*

a. *Minimum Requirements.* As a minimum, the logging plan shall include the following:

(1) Design, construction, maintenance and retirement of the access system, including haul roads, skid roads, skid trails and landing;

(2) Design, construction and maintenance of water control measures and structures such as culverts, broad-based dips, filter strips and water bars;

(3) Design, construction and maintenance of stream and wetland crossings;

(4) The Forestry Management Plan must provide for a selective cut which will maintain the diversity of species, age and height of the forest with emphasis on the preservation of endangered native tree species.

(5) Copies of all required permits shall be submitted as an appendix to the plan;

(6) Proof of current general liability and/or worker's compensation insurance;

(7) Proof of PennDOT Highway Occupancy Permit or Township Driveway Permit for temporary access, as applicable;

(8) Copy of Bucks County Conservation District "Letter of Adequacy" for the proposed erosion control facilities, including associated plans, reports and other permits as required.

b. *Map.* Each forestry/logging plan shall include a site map containing the following information:

(1) Site location and boundaries, including both the boundaries of the property on which the forestry will take place and the boundaries of the proposed harvest area within that property;

(2) Significant topographic features related to potential environmental problems;

(3) Location of all earth disturbance activities such as roads, landings and water control measures and structures;

(4) Location of all crossing of waters of the Commonwealth; and

(5) The general location of the proposed operation to municipal and state highways, including any accesses to those highways.

c. *Compliance with State Law.* The forestry/logging plan shall address and comply with requirements of all applicable state laws and regulations including, but not limited to, the following:

(1) Erosion and sedimentation control regulations contained in 25 Pa.Code, Chapter 102, promulgated pursuant to the Clean Streams Law, 35 P.S. §691.1 *et seq.*;

(2) Stream crossing and wetlands protection regulations

contained in 25 Pa.Code, Chapter 105, promulgated pursuant to the Dam Safety and Encroachments Act, 32 P.S. §693.1 *et seq.*; and

(3) Stormwater management plans and regulations issued pursuant to the Storm Water Management Act, 32 P.S. §680.1 *et seq.*

d. *Compliance with Federal Law/Regulations.* The forestry/logging plan shall address and comply with the requirements of all applicable federal laws and regulations including, but not limited to, the Best Management Practices (BMPs) as set forth at 33 CFR 323.4(a)(6)(i-xv).

e. *Compliance with County and Township Regulations and Ordinances.* The forestry logging plan shall verify compliance with the applicable Township's Stormwater Management Ordinance, as well as all erosion and sediment control measures set forth in the Ordinances of the Township as well as erosion and sediment control requirements of the Bucks County Conservation District.

6. *Forestry Practices.* The following requirements shall apply to all forestry operations in the applicable Township.

a. Felling or skidding on or across any public thoroughfare is prohibited without the express written consent of the Township or the Pennsylvania Department of Transportation, whichever is responsible for maintenance of the thoroughfare.

b. No harvest area shall be located within fifty (50) feet of a property line, or within fifty (50) feet of a public or private road other than a driveway owned and used exclusively by the owner of the property on which the harvest will be conducted.

c. No tops, slash, or woodchips shall be left within twenty-five (25) feet of any public thoroughfare or private roadway providing access to adjoining residential property.

d. All tops, slash, and woodchips between twenty-five (25) and fifty (50) feet from a public roadway or private roadway providing access to adjoining residential property or within fifty (50) feet of adjoining residential property shall be lopped to a maximum height of four (4) feet above the surface of the ground.

e. No tops, slash, or woodchips shall be left on or across the boundary of any property adjoining the operation without the consent of the owner thereof.

f. Litter resulting from a forestry operation shall be removed from the site before it is vacated by the operator.

g. Any soil, stones and/or debris carried onto public roadways must be removed immediately.

h. No forestry/logging use shall be permitted within areas with slopes of eight (8) percent or greater.

i. When the harvest is completed, both dirt roads used by the trucks and skid roads used to drag the logs from the woods to the loading area must be graded approximately to original contours, and be seeded and

mulched as necessary to establish stable groundcover.

j. Clear cutting of woodlands as defined by this Ordinance shall be prohibited.

7. Financial security shall be established in a manner acceptable to the applicable Township to guarantee repair of all damage that may occur to public streets due to the forestry/logging operations, and to guarantee compliance with erosion and sedimentation control plans, compliance with stormwater management plans and restoration of the site upon completion of logging operations. Pursuant to 67 Pa.Code, Chapter 189, the applicable Township may also require the landowner or operator to furnish a bond to guarantee the repair of such roads.

8. *Enforcement.*

a. *Inspections.* The applicable Township Enforcement Officer may go upon the site of any timber harvesting operation before, during or after active logging to: (1) review the logging plan or any other required documents for compliance with this Ordinance; and (2) inspect the operation for compliance with the logging plan and other on-site requirements of this Ordinance.

b. *Violation Notices, Penalties.* Upon finding that a forestry operation is in violation of any provisions of this Ordinance, or is operating without a permit as required by this Ordinance, the Township shall issue the operator and the landowner an enforcement notice in accordance with §616.1 of the Pennsylvania Municipalities Planning Code, 53 P.S. 10616.1, as amended. Any landowner or operator who violates any provision of this Ordinance shall be subject to a fine in accordance with §1700.E. of this Ordinance.

[JMZO Ord. 2002-1]

A-4 Riding Academy. Riding academy, livery, or boarding stable, subject to the following provisions:

1. A lot area of not less than ten (10) acres shall be required.
2. Dwellings and accessory farm buildings shall be permitted in accordance with the regulations for Agriculture and Horticulture, Use A-1.
3. On sites of less than fifteen (15) acres, no more than one (1) horse per acre shall be permitted.
4. Horse shows shall be permitted only by special exception.
5. *Parking.* No less than one (1) off-street parking space shall be provided for every three (3) persons present at such facilities when they are used to capacity.

A-5 Kennel. The keeping of more than six (6) dogs that are more than six (6) months old for breeding, training, selling, or boarding for a fee is permitted, provided the following conditions are met:

1. Minimum lot size shall be twenty-five (25) acres.
2. No animal shelter or runway shall be located closer than three hundred (300) feet to any residential building other than the owner's.

WILLIAMS TOWNSHIP ZONING OFFICE
WILLIAMS TWSP. MUNICIPAL BLDG
655 CIDER PRESS ROAD
EASTON, PA. 18042
PHONE 610-258-0522 FAX 610-258-6080
OFFICE HOURS: MONDAY thru FRIDAY 8:30 AM to 4:30 PM
ZONING OFFICER: Rich Adams

**BOARD OF SUPERVISORS
TOWNSHIP OF WILLIAMS
NORTHAMPTON COUNTY, PENNSYLVANIA
ORDINANCE NO. 2001-3**

***AN ORDINANCE OF THE TOWNSHIP OF WILLIAMS, A SECOND CLASS
TOWNSHIP, IN THE COUNTY OF NORTHAMPTON AND COMMONWEALTH
OF PENNSYLVANIA, WHICH AMENDS THE WILLIAMS TOWNSHIP ZONING
ORDINANCE OF 1990 BY ADDING NEW SECTIONS OF ARTICLE II –
DEFINITIONS AND ARTICLE XV – ENVIRONMENTAL PROTECTION
PERMITTING, REGULATING, AND RESTRICTING FORESTRY ACTIVITIES IN
ALL ZONING DISTRICTS THROUGHOUT WILLIAMS TOWNSHIP AND
REPEALING ORDINANCE SECTIONS INCONSISTENT THEREWITH.***

NOW THEREFORE, BE IT ENACTED AND ORDAINED BY THE, Board of Supervisors
of Williams Township, Northampton County, Pennsylvania, after Public Hearing and in
accordance with law as follows:

SECTION I: The following definition section at Section 202. Terms Defined shall be added and
appended to the Williams Township Zoning Ordinance of 1990, as amended:

Forestry Activities. The management of forests and timberlands when practiced in
accordance with accepted silvicultural principles, through developing, cultivating, harvesting,
transporting, and selling trees for commercial or non commercial purposes, which does not
involve any land development. Landscaping activities connected with the development of
residential, business, industrial, and commercial structures shall not be considered forestry
activities.

SECTION II: The following Section 1521 shall be added and appended to the Williams
Township Zoning Ordinance of 1990, as amended:

Section 1521 – Forestry Activities.

- A. Forestry activities, including, but not limited to timber harvesting, shall be a permitted by right use in all zoning districts of Williams Township. Forestry activities shall be conducted in accordance with the following requirements, conditions, and/or approvals:
1. A Zoning permit shall be obtained from the Williams Township Zoning Officer prior to harvesting or otherwise removing 40 or more trees with a trunk diameter of three inches or more at a height of three feet above the average ground level on any tract of land larger than two acres;
 2. A Forestry Management Plan shall be prepared and filed when harvesting 40 or more trees involving more than two acres. This plan shall be prepared by a qualified forester or forest technician;
 3. The Forestry Management Plan shall be consistent with the Timber Harvesting Guidelines of the Pennsylvania Forestry Association;
 4. Prior to the issuance of a Zoning Permit, an Erosion and Sedimentation Control Plan shall be submitted by the Applicant to the County Conservation District for review, recommendation, and approval;
 5. Clear cutting shall be prohibited except on tracts of less than two acres.
 6. When harvesting or otherwise removing 40 or more trees on tracts larger than two acres, at least 30% of the forest cover (canopy) shall be kept and the residual tree shall be well distributed. At least 30% of these residual trees shall be composed of highest value species as determined by a forester and pursuant to the Forestry Management Plan;
 7. Clear cutting is prohibited on areas with slopes greater than 15% or within the 100 year floodway;

SECTION III;

Article XV, Section 1516.E, Forestry is hereby amended and appended to the Williams Township Zoning Ordinance of 1990, as follows:

E. Forestry Activities. This section is not intended to apply to forestry activities, which is permitted and regulated as a distinct land use in all zoning districts. See Section 1521 et seq.

SECTION IV:

The following Sections of the Williams Township Ordinance of 1990, as amended, are hereby repealed:

1. Article II, Section 202. Terms Defined. Commercial Forestry;
2. Article IV, Section 402.B.5. Commercial Forestry as a Permitted by Right Agricultural Use in an Agricultural District;

3. Article XIV, 1402.A.19.(a)-(h). Commercial Forestry.

SECTION V:

This Ordinance shall take effect immediately upon enactment.

ENACTED AND ORDAINED into law by the Township of Williams, Northampton County, Pennsylvania, this 25th day of April, 2001.

determined by the Secretary of the Interior pursuant to the Endangered Species Act of 1973.

- (d) Facilities that may affect districts, sites, buildings, structures or objects, significant in American history, architecture, archaeology, engineering or culture, that are listed or are eligible for listing in the National Register of Historic Buildings or Places.
 - (e) Facilities that may affect a Native American religious site.
 - (f) Facilities whose construction will involve significant change to surface features, including but not limited to wetlands, removal of woodland areas or water diversion.
 - (g) Facilities located within a floodplain.
 - (h) Facilities that are to be equipped with high-intensity white lights located in residential neighborhoods.
- (2) The applicant shall notify the municipality at least 30 days prior to any hearing or consideration of the environmental assessment report by the FCC. The applicant shall provide, to the municipality, documentation demonstrating how any negative impact on the features noted above will be mitigated.

T. Equipment shelter. Information shall be provided detailing the contents of the proposed equipment shelter servicing the proposed commercial communications tower and/or antenna. The information shall include but not be limited to the type and quantity of oil, gasoline, batteries, propane, natural gas or any other fuel stored within the shelter. Information shall also be submitted which demonstrates that any hazardous materials stored on site, including but not limited to fuel sources, shall be housed to minimize the potential for any adverse impact on adjacent land uses. Materials safety data sheets for any hazardous material stored or utilized in the equipment shelter shall be submitted to the municipality. The use of fuels and hazardous materials shall also be consistent with any federal, state or municipal requirements regarding the same.

§ 180-127.2. Forestry.

The practice of forestry shall only be allowed in the zoning district(s) that specifically permit(s), by right, the use of forestry and only allowed in accordance with this § 180-127.2 and upon receipt of site plan approval in accordance with § 180-102 and upon receipt of a zoning permit.

- A. Site plans. Site plans for forestry activities shall not be required to be prepared by an architect or engineer and shall not be required to meet the site plan requirements of § 180-102C(2)(a) through (t) or the standards for review of § 180-102D. The site plans for forestry activities shall, however, be required to include the following:
- (1) The name and address of the applicant and the landowner (if different from the applicant) with a statement signed by both indicating their approval of the plans and supporting documents.

- (2) A plan drawn to a scale of not less than one inch equals 100 feet showing the existing and proposed features:
- (a) Streets.
 - (b) Property lines.
 - (c) Right-of-way lines, including paper street rights-of-way.
 - (d) Easements.
 - (e) Occupied dwellings within 50 feet of the property lines.
 - (f) Contour lines at a maximum of ten-foot intervals using USGS Maps.
 - (g) Watercourses.
 - (h) Wetlands.
 - (i) Drainageways.
 - (j) No-cut buffer zones.
 - (k) Limits and percentage of earth disturbance.
 - (l) Average property slope on acre-by-acre grid based on the USGS contours enlarged to a scale of one inch equals 1,000 feet.
 - (m) Approximate location and size of logging trails, skid roads, loading areas, driveways and the proposed access(es) to a public road.
 - (n) Approximate density and type of major trees on an acre-by-acre grid before the forestry activity and after the proposed forestry activity and the approximate basal area of major trees on an acre-by-acre grid before the forestry activity and after the proposed forestry activity.
 - (o) Proposed soil erosion and sediment control measures which include the location, type and design of the proposed soil erosion and sedimentation control devices.
 - (p) A certification provided by a registered surveyor to attest to the accuracy of the site plan and that all major trees marked for removal are on the applicant's property and located outside of any required no-cutting buffer zones. The accuracy of physical features shall be to USGS accuracy enlarged to a scale of one inch equals 100 feet.
 - (q) North arrow, scale, property owner's name and address, applicant's name and address, the date of preparation and any date of revisions.
- (3) A project narrative, including the following information:
- (a) Proposed land use after the forestry activity.
 - (b) Proposed hours of proposed operation.

- (c) Duration of forestry operation (number of days).
- (d) Soil erosion and sediment control narrative.
- (e) A proposed forest management plan prepared by a forester.
- (f) A certificate of insurance for the contractor.
- (g) County Conservation District soil erosion control plan letter of adequacy.
- (h) A copy of any permit required by state, federal or local government agencies.
- (i) A description of the driveway access points at the public roads needed to gain access to the landing site with sight distance available and precautions listed (if needed) to provide flagman or signage at the access point.

B. The forestry management plan and forestry operation requirements.

- (1) The plan shall describe the type of harvesting proposed. The major tree harvesting shall be by the Selection Harvest Method, unless otherwise specifically approved by the Township. For approval of any alternate harvest method, the applicant must provide a forester's report specifically documenting the reasons why the alternate method is a better method of harvest for the site for the protection of:
 - (a) The environment.
 - (b) Future timber harvesting.
 - (c) Woodland diversity.
 - (d) Wildlife.
- (2) The plan shall provide a listing of current stocking levels, species composition and tree quality and condition, as well as a descriptive narrative of the subject property. In addition, estimates must be provided as to the type and quantity of timber to be harvested and what the residual stocking levels will be. Where it appears that timber harvesting operations will result in less than 40% of the original basal area in any acre, justification for such a harvesting plan must be included, to the satisfaction of the Township.
- (3) Reforestation process and period.
 - (a) The plan shall identify the reforestation process or processes to be employed and specifically identify, with respect to each principle variety of tree to be reforested the method or methods of reforestation to be employed and the recommended reforestation period in terms of years. The reforestation period shall be not less than the number of years listed in the table provided below:

Basal Area Percentile Cut	Reforestation Period (years)
15% or less	5

Basal Area Percentile Cut	Reforestation Period (years)
16% to 40%	10
Over 40%	15

(b) The appropriate and approved reforestation period shall be deemed to be an essential part of any forest management plan and, as such, will be deemed to be a continuing use until said period is completed. No forestry activity shall be permitted during the approved reforestation period, and the plan shall note the restriction on the forestry activity.

- (4) No forestry activities shall occur on slopes steeper than 25%, except that trees may be harvested in those areas of twenty-six-percent to forty-percent slope if they are winched off the steep areas with cable and not hauled off with mobile equipment.
- (5) No forestry activities at all shall occur on slopes steeper than 40%, except as required to remove significantly diseased, infected or damaged trees and/or if the major tree constitutes a danger to persons, structures, neighboring property, the property on which it is located or to the public.

C. Additional forestry operation requirements.

- (1) All cutting, removing, skidding and transporting of trees shall be planned and performed in such a manner as to minimize the disturbance of, or damage to, other trees and vegetation and the land itself.
- (2) Logging roads and trails shall follow the natural contour of the land and may be leveled across the road or trail but shall not be cut or filled to obtain profile leveling. These roads and trails shall be constructed, maintained and abandoned in such a manner as to prevent soil erosion and permanent damage to soil and waterways.
 - (a) The slope of the profile of logging roads and/or trails shall not be steeper than 15%, except they may be up to 20% for distances no longer than 50 feet. The total length of the sections of logging roads and/or trails with a slope between 15% and 20% shall not exceed 20% of the overall length of the road and/or trail.
 - (b) Except at stream crossings, logging roads or trails shall be set back at least 50 feet from a stream or water's edge of ponds or lakes to provide a vegetated filter strip. If the slope of land between the road or trail and the stream or water's edge is 25% or more, this setback shall be increased by 20 feet for each 10% of slope increase.
 - (c) Cross drain culverts, broad-based dips, water-bars and other water-control structures shall be provided as needed to allow surface water to traverse the logging roads or trails or landing areas in a way that will not cause soil erosion. The size, design and typical spacing and/or special location of these facilities shall be shown on the site plan. The spacing of facilities shall be

provided in accordance with the soil erosion control regulations and good design practice, but their spacing shall not exceed the following:

- [1] If culverts are used, their spacing shall not exceed the following:

Culverts

Maximum Spacing of Culverts

Slope of Road or Trail	(feet)
0 to 3%	400
3% to 6%	300
6% to 10%	200
Greater than 10%	Culverts not allowed

- [2] Broad-based dips shall not be permitted at locations of intermittent or perennial stream crossings.
- [3] If broad-based dips are used for stormwater crossings, their spacing shall not exceed the following:

Broad Based Dips

Maximum Spacing of Broad-Based Dips

Slope of Road or Trail	(feet)
0 to 3%	250
3% to 10%	170
10% to 15%	140
Greater than 15%	Broad-based dips not allowed

Note: Sections of logging roads and/or trails that exceed a slope of 15% shall not be longer than 50 feet.

- [4] Where water-bars are used to direct minor cross flows their spacing shall not exceed the following:

Water-Bars

Maximum Spacing of Water-Bars

Slope of Road or Trail	(feet)
0 to 3%	135
3% to 6%	80
Greater than 6%	Water-bars not allowed

- (d) All disturbed areas, including but not limited to landing areas, haul roads, logging roads and trails and skid trails, shall be fertilized and seeded during restoration to encourage a return of vegetated cover and soil stabilization. Fertilization shall be provided with one ton of lime and 300 pounds of 10-10-1910 fertilizer per acre, unless specific soil tests have been conducted and proved that a different application rate is required. The seed bed shall be lightly scarified before seeding, and the seed mix and application rate shall be as specified in the Soil Erosion Control Plan and Narrative.
- (3) Logging roads and trails shall be only wide enough to accommodate the type of equipment used, and road and trail slopes shall be kept as low as possible.
- (4) Where possible, stream crossings shall be avoided, but, where deemed necessary, crossings shall be made at a right angle across suitable culverts or bridges, or their approved surfaces for crossing, and all state and federal permits shall be obtained where required.
- (5) Driving or skidding across live or intermittent streams is prohibited except over bridges or culverts, or other approved surfaces for crossing.
- (6) All limbs and stubs that could cause damage to soil cover or remaining trees shall be removed from felled trees prior to skidding, to minimize soil disturbance and damage to residual stock.
- (7) All trees bent or held down by felled trees shall be released promptly.
- (8) No trees shall be left lodged in the process of felling.
- (9) Felling or skidding on or across the property of others is prohibited without the express written consent of the owners of such property. Felling or skidding on or across any public street is prohibited without the express written consent of the Township in the case of Township streets or PennDOT in the case of state highways.
- (10) No tops or slash shall be left within:
- (a) Fifty feet of any public or private streets or adjoining property.
 - (b) Twenty-five feet of any stream or historic or scenic trail or private driveway providing access to adjoining property.
 - (c) Ten feet of any drainage ditch.
 - (d) All tops and slash shall be cut up and piled in such a way as to leave piles no higher than four feet above adjacent grade.
- (11) The stumps of all felled trees shall remain in the soil for stabilization purposes, except in haul road and landing areas.
- (12) Underbrush may be cut or removed only to the extent that such cutting or removal is necessary for safe forestry operations.

D. No-cut buffer zones.

- (1) No-cut buffer zones of 75 feet from the property lines shall be maintained along all streets, riparian corridors, and abutting properties on the property on which the forestry operation is being conducted; provided, however, that this no-cut buffer zone shall be no less than 100 feet from a habitable structure on an adjoining property. A no-cut buffer zone of 75 feet shall also be maintained along the edge of any rivers, creeks, springs, streams, lakes, ponds or other watercourses. If these requirements result in conflicting no-cut buffer zones, the more restrictive requirement shall apply.
- (2) Within no-cut buffer zones, cutting of major trees is only permitted to remove significantly diseased, infected or damaged trees and/or if the major tree constitutes a danger to persons, structures, neighboring property, the property on which it is located or to the public.

- E. Protection of young trees. All practical actions shall be accomplished to prevent damage or injury to young growth and trees not designated for cutting.
- F. Fire hazards. During periods of abnormal forest fire danger, as determined by the Township Manager, the Township shall have the right to order a suspension of forestry operations until the danger subsides.
- G. Littering prohibition. Littering is prohibited, and during and upon completion of a forestry operation all cans, bottles, paper, garbage and other litter of any type disposed of by the forestry operation employees shall be removed from the property.
- H. Blocking trails. Upon completion of a forestry operation, all logging roads, landing areas and trails shall be graded to eliminate any wheel ruts. With the exception of easements, access to all such logging roads and trails from any public street by motor vehicles of any kind shall be effectively blocked by such means as the building of a mound or the installation of a gate; no cables shall be used for this purpose, unless the property owner has obtained specific Township approval to maintain a driveway connection to the Township road by way of a driveway permit. And, in the case of state highways, the owner shall obtain specific approval from the Township as part of the site plan and the state as a highway occupancy permit.
- I. Soil stabilization. All disturbed areas, including but not limited to logging roads, landing areas, trails and driveways, shall be fertilized, seeded and stabilized immediately upon completion of the logging harvest, or sections thereof, and the description of the stabilization shall be provided in the Soil Erosion Control Plan and Narrative.
- J. Marking of major trees. Before the forestry operation begins, all major trees which are to be felled in connection therewith shall be clearly marked with paint on the stump so that the same may be easily identified both before and after a major tree has been felled. No major tree shall be felled which has not been designated for removal as part of the Forest Management Plan.
- K. Notification to Township.

- (1) The holder of a permit to conduct a forestry operation shall notify the Township at least 48 hours before beginning any forestry operation.
 - (2) The holder of a permit to conduct a forestry operation shall notify the Township at least five business days in advance of the completion date of the major tree harvesting operation and shall notify the Township immediately upon said operation's completion.
- L. Timber trespass. Any person who cuts trees on property owned by a property owner who has not given permission for such cutting shall be subject to the Pennsylvania Timber Trespass Act (Act 10 of 1994, 42 Pa.C.S.A. § 8311), to the extent such law is applicable.
- M. Township inspections.
- (1) The Township may, by its own personnel or outside persons hired for the purpose, go upon the site of any proposed forestry operation, after a site plan application has been filed, for the purpose of reviewing the plans for the proposed operation for compliance with Township ordinances.
 - (2) After a permit for a forestry operation has been issued, the Township shall have the right, by its own personnel or by outside persons hired for the purpose, to go upon the site before, during and after the forestry operation to inspect for compliance with the approved site plan, supporting documentation and Township ordinances.

§ 180-127.3. Impervious and building coverage charts. ²⁹ [Added 4-6-2011 by Ord. No. 2011-02]

A. Single-family detached uses.

Zoning District	Minimum Required Lot Area (square feet)	Maximum Site	Maximum On-Lot Impervious Coverage (maximum allowed)	Maximum On-Lot Impervious Coverage (initial permit application)	Maximum Building Coverage (percentage)
		Impervious Coverage (includes on-lot impervious coverage)			
RA/R80	Varies	20%	*	*	*
R40	40,000	20%	15%	12%	8%
R20	20,000	25%	20%	16%	12%
R12	12,000	30%	25%	22%	14%
MH	12,000	30%	25%	22%	12%
UR	8,000	35%	30%	27%	18%

29. Editor's Note: Former § 180-127.3, Reduced lot size: single-family detached developments, was repealed 8-17-2005 by Ord. No. 2005-06.

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