

ORDINANCE NO. 30-5/26/09

**AN ORDINANCE OF NORTH COVENTRY TOWNSHIP,
CHESTER COUNTY, PENNSYLVANIA AMENDING THE ZONING
ORDINANCE OF NORTH COVENTRY TOWNSHIP BY
AMENDING THE DEFINITIONS RELATING TO TIMBER
HARVESTING AND AMENDED SECTION 370-29 RELATING TO
THE NATURAL RESOURCE CONSERVATION OVERLAY
DISTRICT IN THE SUBSECTION CONCERNING WOODLANDS
AND TIMBER HARVESTING**

BE IT ENACTED AND IT IS HEREBY ENACTED, in accordance with the provisions hereof that the North Coventry Township Ordinance is hereby amended, reconfirmed and readopted as follows:

Section 1. Section 370-29B(7)(a) of the North Coventry Zoning Ordinance is amended to provide in its entirety as follows and Chapter 370-9 of the North Coventry Zoning ordinance is hereby amended by deleting all congruent definitions and substituting the following definitions:

"(7) Woodlands.

(a) Definitions. As used in this section, the following terms shall have the meanings indicated:

ACCESS ROAD – A roadway normally designed and intended for use by motor vehicles which provide access to or into the forest land.

CANOPY or FOREST CANOPY – The aerial cover formed by the outer most leaves and branches on the tree within any woodland area.

CLEAR-CUTTING – The removal of essentially all trees from a stand.

BUFFER ZONE – An area of variable width and length in which forest practices are restricted and intended to provide a natural visual screen, prevent damage to adjoining properties or to protect environmental features.

DBH – The diameter of a tree at breast height, measured at four and one-half (4.5) feet from the ground surface at the point of the highest elevation in contact with the trunk of such tree.

DRIPLINE – The line extending vertically from the exterior edge of the outer most leaves and branches on the tree to the ground.

EROSION – The wearing away of the land surface by action of wind, water, gravity or other natural forces.

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

FOREST MANAGEMENT – The practical application of biological, physical, quantitative, managerial, economic, social, and policy principles to the regenerations, management, utilization, and conservation of forests to meet specified goals and objectives while maintaining the productivity of the forest. Note: forest management includes management for aesthetics, fish, recreation, urban values, water, wilderness, wildlife, wood products, and other forest resource values.

HEDGEROW - A linear plant community dominated by trees and/or shrubs. Hedgerows often occur along roads, fence lines, property lines, or between fields, and may occur naturally or be specially planted (e.g. as a windbreak). For the purposes of this Ordinance, hedgerows are considered woodlands and regulated as such regardless of area or tree size.

HIGH VALUE SPECIES – Any tree(s) of the following species where greater than or equal to twelve inches (12”) diameter at breast height (DBH):

Botanical Name	Common Name
Acre saccharium	Sugar Maple
Carya cordiformis	Bitternut Hickory
Carya glabra	Pignut Hickory
Carya ovata	Shagbark Hickory
Carya tomentosa	Mockernut Hickory
Fagus grandifolia	American Beech
Fraxinus americana	White Ash
Juglans nigra	Eastern Black Walnut
Quercus alba	White Oak
Quercus bicolor	Swamp White Oak
Quercus coccinea	Scarlet Oak
Quercus Montana	Chestnut Oak
Quercus palustris	Pin Oak
Quercus rubra	Northern Red Oak
Quercus velutina	Black Oak

INVASIVE PLANT SPECIES - Predominantly non-native, non-indigenous, alien tree, shrub, vine, or herbaceous species that grow or reproduce aggressively, usually because they have few or no natural predators, and which can so dominate an ecosystem that they kill off or drive out many indigenous plant species. Invasive trees, shrubs, vines, or herbaceous species include, but are not limited to:

Norway Maple (*Acer platanoides*), Tree-of-Heaven (*Ailanthus altissima*), Paper Mulberry (*Broussonetia papyrifera*), White Mulberry (*Morus alba*), Empress Tree (*Paulownia tomentosa*), White Poplar (*Populus alba*), Multiflora Rose (*Rosa multiflora*), Japanese Barberry (*Berberis thunbergii*), European Barberry (*Berberis vulgaris*), Autumn Olive (*Eleagnus umbrella*), Border Privet (*Ligustrum obtusifolium*), Common Privet (*Ligustrum vulgare*), Morrow's Honeysuckle (*Lonicera morrowii*), Tartarian Honeysuckle (*Lonicera tatarica*), Japanese Honeysuckle (*Lonicera japonica*), Common Buckthorn (*Rhamnus cathartica*), Wineberry (*Rubus phoenicolasius*), Japanese Spiraea (*Spiraea japonica*), Linden Viburnum (*Viburnum dilatatum*), Guelder Rose (*Viburnum opulus*), Oriental bittersweet (*Celastrus orbiculatus*), Leatherleaf Climatis (*Clematis temiflora*), Mile-a-Minute Weed (*Polygonum perfoliatum*), Kudzu (*Pueraria lobata*), Garlic Mustard (*Alliaria petiolata*), Canada Thistle (*Cirsium arvense*), Crown Vetch (*Coronilla varia*), Tall Fescue (*Festuca elatior*), Purple Loosestrife (*Lythrum salicaria*), Sweet Clover (*Melilotus affinalis*), Japanese Stilt Grass (*Microstegium vimineum*), Reed Canary Grass (*Phalaris arundinacea*), and Johnson Grass (*Sorghum halepense*).

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

LEGAL HOLIDAY – The term "legal holiday" as used in this chapter, shall mean and include New Year's Day, Birthday of Martin Luther King, Jr., Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day and Christmas Day.

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 material to settle close to the ground.

OPERATOR – The individual, partnership, company, firm, association, or corporation engaged in forestry or harvest of timber, including his agents or subcontractors or employees.

OWNER, LANDOWNER – The individual, partnership, company, firm, association or corporation which holds title to standing timber and to the land on which it is situated, including his agents or subcontractor or employees.

PROFESSIONAL CONSULTING FORESTER – A forester who has obtained the professional certification of Certified Foresters®, by the Society of American Forester

(SAF) or full membership in the Association of Consulting Foresters of America (ACF) for the purposes of this ordinance shall be considered a Professional Consulting Forester. Alternatively, and prior to filing any permit application, an individual can petition the Board of Supervisors to qualify as a professional consulting forester under this Chapter by submitting their educational and professional qualification, samples of previous timber harvest plans and references from Pennsylvania townships/boroughs for review. The minimum requirements for consideration are: (1) A person who has a Bachelor of Science degree in Forestry from a college accredited by the Society of American Foresters; (2) engaged in forestry consulting work to the general public on a fee or contractual basis; (3) must not have an economic interest in timber purchasing or procurement entity; and (4) prepared a minimum of five approved Timber Harvesting Plans within the state.

RARE SPECIES SITE – Any area which has been identified as possessing floral or faunal species of concern or sites in which federally and/or state recognized rare, threatened, or endangered species of flora and/or fauna are present.

SEDIMENT – Solid material, both mineral and organic, that is in suspension, is being transported, has been deposited, or has been removed from its site of origin by erosion.

SKIDDING – Dragging trees on the ground from the stump to the landing by any means.

SKID ROAD/HAUL ROAD – A main pathway, normally intended for repeated skidding to each skid trail, where excessive exposure of soils can be expected from heavy use.

SKID TRAIL – A secondary pathway, intended for use skidding to a tree or small group of trees, where extensive exposure of soils is not expected.

SLASH – Debris left after logging, including logs, chunks, bark, branches, stumps and broken under-story trees or brush.

SPECIMEN VEGETATION - Individual trees or other vegetation determined to be of specimen quality as determined by a registered landscape architect or which generally fall within the parameters of the following table shall be protected in accordance with these standards. The examples of specimen trees included in the following table are intended to provide general guidelines and examples of what constitutes a specimen tree and is not considered all inclusive.

Examples of Specimen Trees¹

Species	Min. Size (dbh)	Species	Min. Size (dbh)	Species	Min. Size (dbh)
Apple	24"	Locust	30"	Sassafras	20"

¹ These sizes were developed by the Brandywine Conservancy and are the approximate size of a 70+ year old tree.

Ash	32"	Maple	32"	Spruce	30"
Beech	32"			Sycamore	36"
Cherry	24"	Oak	32"	Tulip Poplar	36"
Elm	30"	Osage Orange	20"	Walnut	30"
Hemlock	30"	Pine	30"	Hickory	32"

STAND – A stand is considered a contiguous group of trees sufficiently uniform in species composition, arrangement of age classes, and condition to be a homogeneous and distinguishable unit.

STREAM – Any channel or conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

- 1) **PERENNIAL STREAM** – A stream whose water flow normally occurs year-round.
- 2) **INTERMITTENT STREAM** – A stream whose water flow normally occurs in the wetter part of the year (October through April) or following major storm events.

TIMBER HARVESTING and LOGGING – The terms "logging" and "timber harvesting" are used interchangeably herein, and defined as the act of cutting and removing trees and all activities related thereto, for cordwood, for lumber, for pulp or for any commercial purpose.

TIMBER HARVESTING OPERATION –The disturbance for commercial purposes, of more than four (4) trees of greater than six (6) inches DBH per acre from any lot or tract. The removal of dead or diseased trees or non-native invasive species, the cutting of trees for personal firewood use or as a part of a Christmas tree farming operation, or the clearing of an area in accordance with an approved subdivision or land development plan or building permit shall not be considered a timber harvesting operation. Forestry, as defined by the Pennsylvania Municipalities Planning Code, as amended, shall be considered a timber harvesting operation and shall require the submittal and approval of a Timber Harvesting Plan.

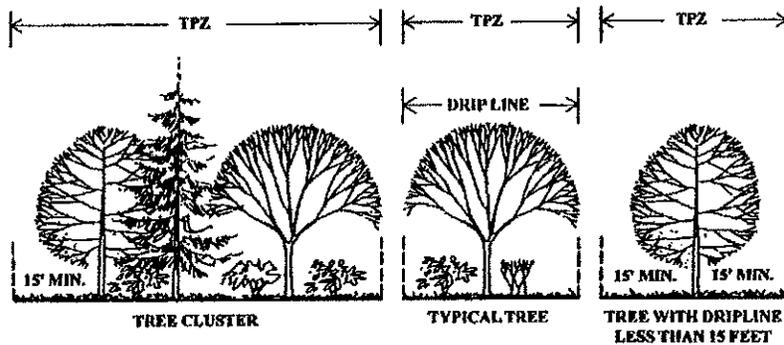
TIMBER HARVESTING PLAN – A description, by means of text and maps, of proposed actions involving the removal of trees from a tract of land.

TOPS – The upper portion of a felled tree not merchantable because of small size, taper or defect.

TREE PROTECTION ZONE – The area radial to the trunk of a tree in which no construction activity shall occur. The tree protection zone shall be fifteen (15) feet from the trunk of the tree to be retained, or the distance from the trunk to the drip line, whichever is greater. Where there is a group of trees or woodlands, the tree protection

zone shall be the aggregate of the protection zones for the individual trees. (See Figure 9-2).

**Figure 9-2
Tree Protection Zone (TPZ)**



WOODLAND DISTURBANCE – Any activity which alters the existing structure of a woodland or hedgerow; alterations include the cutting or removal of canopy trees, sub canopy trees, under story shrubs and vines, woody and herbaceous woodland floor species. Woodland disturbance also includes any activity which constitutes a land disturbance (exposes soils, alters topography, destroys habitat) within a woodland or hedgerow. Woodland disturbance does not include the selective cutting or removal of invasive plant species. (See definition in Article II for examples of invasive plants.)

WOODLANDS – A tree mass or plant community in which tree species are dominant or co-dominant and the branches of the trees form a complete, or nearly complete, aerial canopy. Any area, grove or stand of mature or largely mature trees (i.e. larger than six inches DBH) covering an area of $\frac{1}{4}$ acre or more, or consisting of 10 individual trees larger than six inches DBH, shall be considered a woodland. Woodlands do not include commercial horticulture enterprises, such as orchards, Christmas tree farms and commercial nurseries, which hold a valid permit from the Pennsylvania Department of Agriculture.

Any area, grove, or stand of trees which has been harvested in accordance with Silva culture principles and/or is the subject of a Forest Management Plan, including the forestry activities of development, cultivation, harvesting and regeneration, regardless of the current condition or density of aerial canopy shall be considered a woodland for the purpose of this chapter. When determining the extent of woodland disturbance for the purpose of calculating the applicable tree replacement standards for Section 370-29B(7)(d), woodland shall include any area where timber has been harvested within the previous ten (10) years and/or woodland disturbance has occurred within the previous ten (10) years which would have met the definition of woodland prior to the timbering or disturbance.

Section 2. The following subsection is added to section 370-29B(7):

"(g) Timber Harvesting.

[1] Responsibility

- [a] It shall be the responsibility of each operator and landowner on whose land tree harvesting is to be carried out to develop or have developed the Timber Harvesting Plan and to submit notification as required hereunder.**
- [b] It shall be the joint responsibility of the landowner and the operator to assure that the provisions of the Timber Harvesting Plan are fully executed and complied with.**
- [c] The plan shall be available at the harvest site at all times during the operation.**
- [d] In implementing the plan, the owner and operator shall be responsible to comply with all other applicable ordinances of the Township, including the North Coventry Township Zoning Ordinance, the North Coventry Township Subdivision and Land Development Ordinance, and the Grading, Erosion and Sediment Control Ordinance.**

[2] Permit Application Scope and Applicability.

- [a] No landowner or operator shall conduct or permit to be conducted any timber harvesting operation in North Coventry Township without first securing a timber harvesting permit. An application for a timber harvesting permit and five (5) copies shall be filed with the Township at least sixty (60) days prior to the commencement of the harvesting operation. The application shall contain at a minimum the following:**
 - [i] A Timber Harvesting Plan, as specified herein, prepared by a Professional Consulting Forester for each harvesting operation within the Township.**
 - [ii] Erosion and Sedimentation pollution control plan required by 25 Pennsylvania Code Chapter 102 as well as any other state requirements, including an approval letter from the Chester County Conservation District.**
 - [iii] Proof of public liability insurance with sufficient coverage to include any damage to streams and public property.**
 - [iv] Payment of a non-refundable permit fee plus reasonable estimation of review expenses as established by the Township by resolution and any amendment thereto.**
 - [v] The application must be signed by an owner of the property and by the logging operator and shall contain the following representation:**

"The undersigned acknowledges reading North Coventry Township Timber Harvesting Ordinance and understand that all of the undersigned are jointly and severally liable and obligated to comply with all the requirements of the Ordinance."

[b] A timber harvesting permit shall not be required with respect to the following:

- [i] Work performed in accordance with a land development plan or building permit approved by the Township.
- [ii] Routine maintenance of existing roads, utility easements and rights-of-way and clearing of farm fence lines.
- [iii] Trees directed to be removed by municipal, county, state or federal authority pursuant to law.

[c] Application Submission Requirements.

[i] A Timber Harvesting Plan, prepared by a Professional Consulting Forester, as defined in this subsection, shall be filed with the application and shall contain the following information:

- [a] Verification that a Professional Consulting Forester has prepared the plan.
 - [b] The name, address, and telephone number of all owners of property subject to the timber harvesting operation.
 - [c] The name, business address, and telephone number of the logging operator;
 - [d] The name and mobile phone number of the individual who will be responsible on-site for managing the timber harvest operation;
 - [e] The total area involved in the proposed timber harvesting operation;
 - [f] The proposed starting and completion dates for the harvesting operation;
 - [g] A table or list, including the size at DBH and species of each tree to be harvested and the trees that are to remain. The harvest shall be related to the trees left standing and an estimated projection of the re-forestation that shall be established, including the identification of the forest canopy to remain and that will be established at the end of the reforestation.
 - [h] A statement confirming that each tree to be removed has been designated by the Professional Consulting Forester with paint or other distinctive mark at two points so as to be readily visible by the logging operator. One point shall be low enough on the tree so as to be visible on the stump after the tree is removed; and,
 - [i] A Forest Management Plan shall be prepared and include the long term goals, objectives and management recommendations related to
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(1) method, species composition and density of forest regeneration; (2) practices to protect natural resources and insure erosion protection; and (3) maintain natural vegetative system by addressing management of invasive plant species. The landowner shall be responsible that all such forested or wooded areas subject to the timber harvesting operation are either reforested or maintained in a forested state. The Forest Management Plan shall encompass a time period sufficient to reestablish the pre-existing canopy to assure the woodland preservation subsequent to the harvest. The time period shall be approved by the Township Forester. However, no development shall occur subsequent to the harvesting until the canopy has been reestablished.

[ii] A legibly drawn Site Plan of the property upon which the timber harvesting will be conducted. The plan shall be drawn to a scale not to exceed 1 inch equals 100 feet and prepared in accordance with standard engineering practices. The plan(s) shall include:

- [a] Site location and boundaries of both the entirety of the property upon which the timber harvesting operation shall occur and the specific area proposed for timber harvesting including the acreage to be harvested. The Township may, at its discretion, require a survey, or partial survey, to define the location of the property boundaries;
- [b] The relationship to surrounding property boundaries as well as the location and name of all streets and roads and all public utilities and easements in the area of the timber harvesting operation. The plan shall identify the name and address of all property owners of properties adjacent to the proposed timber harvesting operation;
- [c] All natural features and topography of the property and 100 feet thereof subject to the timber harvest operations including; all slopes of 25% or greater, wetlands, wetland margins, lakes and ponds, watercourses, riparian buffer zones, natural drainage swales, ridgeline protection zones, specimen vegetation, rare species sites or any other feature or condition related to potential environmental problems. The location and limits of these natural features shall be as defined and described as set forth in this Chapter. The topography plan shall be from published USGS maps with contour lines at intervals of not more than five (5) feet;
- [d] Soil map with general description of soil classifications located on the site. All hydric soils and soils with high seasonal water tables shall be identified;
- [e] All structures on and within 100 feet of the property;
- [f] The location and area of disturbance in square feet of any grading, logging trails or roads, and log landing areas proposed in connection with the operation; and,

[g] Delineation of all required buffer areas, as defined in subsection [d].
– General Operational Standards & Practices - related to any harvesting area, landing area, public road, and adjacent property.

[h] A Transportation Map showing the general location of the proposed operation in relation to municipal and state highways and the proposed accesses to those highways. The map shall clearly reflect the proposed hauling route through North Coventry Township. The applicant shall review with the Township Engineer the condition of any Township roads and shoulders that will be used to access equipment, transport log loads, or that may otherwise be impacted by the timbering operation. The Township may require the posting of a bond or other approved security, in an amount as may be determined by the Township, to cover any damage to Township roads. Road bonding for timber harvesting shall comply with PennDOT regulations Chapter 189. The gross vehicle weight of all logging vehicles and equipment shall conform to existing weight limit restrictions; or, if in excess of such restrictions, a special hauling permit shall be obtained.

[iii] An Erosion and Sedimentation Control Plan shall be prepared for each timber harvesting operation and shall be reviewed by the Township Engineer and Township Forester. The plan shall comply with all applicable standards for erosion and sedimentation control and stream crossings regulations under 25 Pennsylvania Code, Chapter 102, Erosion Control Rules and Regulations, issued under the Clean Stream Law, and 25 Pennsylvania Code, Chapter 105, Dam and Waterway Management Rules and Regulations, issued under the Dam Safety and Encroachment Act, and the North Coventry Township Grading, Erosion and Sediment Control and Stormwater Management Ordinance, which is codified in Chapter 194 of the North Coventry Township Code. Minimum contents of the Erosion and Sedimentation Control Plan shall include:

[a] Any permits required by county, state or federal laws and regulations shall be attached to and become part of the plan;

[b] A description, design, location, construction, and maintenance of all stormwater management and erosion control measures, devices and structures such as culverts, broad-based dips, filter strips, filter fabric, straw barriers and water bars;

[c] Design, construction, maintenance, and retirement of the access system, including haul roads, skid roads, skid trails, and landings;

[d] Design, construction, and maintenance of proposed stream and wetland crossings including any applicable county, state or federal permit. At the discretion of the Township, a wetlands report shall be provided; and,

[e] The plan shall be submitted to the Chester County Conservation District for review and recommendation. An approval letter from CCCD shall be provided.

[iv] The Application shall be accompanied with the requisite permit and review payment as provided herein. Additional information and documentation as the Township Zoning Officer may require assuring compliance with this subsection shall be provided.

[v] The Township shall forward all timber harvesting applications to the Township Engineer and Township Forester for review. The applicant shall be responsible for and shall pay all reasonable expenses for inspection, review, legal and other consulting expenses incurred by the Township in processing the timber harvesting application.

[d] General Operational Standards & Practices - The following management practices shall apply to all timber harvesting operations:

- [i] The operation shall not cause harm to the environment or any other property. The operator and landowner shall be jointly and severally responsible for the restoration of any property, public or private, that may be damaged as a result of the timber harvesting operation.
- [ii] Clear-cutting shall be prohibited.
- [iii] Timber harvesting is prohibited on areas with slopes greater than 25%.
- [iv] Timber harvesting is prohibited within a floodway, 100 year floodplain, Zone-One Riparian Buffer or wetland.
- [v] As defined by Zoning Ordinance 370-29.B(4)(b)[7], timber harvesting shall only be permitted within the 10% disturbance allowance in a Zone-Two Riparian Buffer.
- [vi] As defined by Zoning Ordinance 370-29.B(6)(b)[3], timber harvest shall only be permitted within the 10% disturbance allowance in a Wetland Margin.
- [vii] As defined in Zoning Ordinance 370-33.E, timber harvesting shall not be permitted within 35 vertical feet of the highest ground point of a ridgeline and no more than 25% of woodlands shall be cleared, altered, or disturbed on a site located partially or completely within the Ridgeline Protection Overlay District.
- [viii] Specimen Vegetation shall not be harvested unless the Applicant can demonstrate to the satisfaction of the Township that such removal is essential to eliminate a hazardous condition(s) or there is a demonstrable financial hardship if the vegetation is not removed.
- [ix] Where possible, stream crossings shall be avoided. However where deemed necessary by the Township Engineer and/or Township Forester, crossings shall be made at right angles across suitable culverts or bridges. Hauling, skidding or placing fill or obstructions in perennial or intermittent streams is prohibited except for approved crossings.

- [x] No timber harvesting operation or removal of products shall take place between the hours of 7 pm and 8 am or any Sunday or legal holiday.
- [xi] At least 30% of the forest canopy shall be preserved in good condition after the completion of any timber harvesting operation. The remaining trees shall be well distributed throughout the area subject to the timber harvesting operation. At least 50% of such remaining trees shall be comprised of Higher Value Species as defined in Section VII and confirmed by the Township Forester. Where the number of trees comprising High Value Species that exist prior to the approval of any timber harvesting operation, is less than the number which would be required to comply with this provision, no High Value Species may be harvested. The percentages stated herein shall apply to all consecutive harvests and no reharvesting or development shall be permitted until the canopy area is reestablished that existed prior to the initial tree harvesting operation to assure the woodland preservation.
- [xii] Trees selected for harvesting shall be marked at two (2) distinctive locations thereon. The higher of the two marks shall be provided around the entire circumference of the tree. The lower mark must be visible on the stump after the tree is removed.
- [xiii] Felling and skidding of trees shall be undertaken in a manner which minimizes damage to trees or other vegetation not intended to be harvested.
- [xiv] Except when approved by the Township Engineer, all access roads, haul roads and skid trails shall be cut horizontally across slopes, and all access roads, haul roads and skid trails grades shall be less than 10% or up to 12% for 100 feet or less.
- [xv] Winch logs off steep slopes where possible. Minimize the number of skid roads/trails and the amount of skidder traffic on steep slopes.
- [xvi] Felling or skidding across any public street is prohibited without the express written consent of the Township or Penn DOT, whichever is responsible for the maintenance of said street. Such written consent shall be attached to and become part of the Timber Harvesting Plan.
- [xvii] Trees or logs shall not be skid or transported within fifty (50) feet of wetlands, streams or drainage ways, except at approved planned crossings.
- [xviii] No timber harvesting shall take place and a buffer zone with a width of fifty (50) feet shall be maintained along all streets. The buffer width 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 this buffer zone except as necessary access to the site from the street.
- [xix] No timber harvesting shall take place and a buffer zone with a width of fifty (50) feet shall be maintained along all properties abutting the property on which the timber harvesting operation is to be conducted. The buffer width shall be measured horizontally from and at right angles to an adjacent property line. No trees shall be cut, removed, skidded or

transported in this buffer zone unless the owner of the adjacent property has provided a written waiver consenting to the operation encroaching closer than the aforesaid fifty (50) feet. Such written consent shall be attached to and become part of the Timber Harvesting Plan.

- [xx] No tree may be cut which is the largest of its species in the state of Pennsylvania.
- [xxi] Slash or tops resulting from a timber harvesting operation shall either be cut to a height of four (4) feet or less and left on-site, or chipped and recycled on-site. The burning of slash shall be prohibited.
- [xxii] No tops or slash shall be left within fifty (50) feet of any public street, recreational trail, or private roadway. No tops or slash shall be left on or across a property boundary without written consent of the adjoining landowner. Such written consent shall be attached to and become part of the Timber Harvesting Plan.
- [xxiii] No tops or slash shall be left in any stormwater swale, floodway, floodplain, zone-one riparian buffer or wetland.
- [xxiv] All soil and debris washed or carried onto public streets during a harvesting operation shall be cleaned immediately by the operator or landowner. The landowner shall be responsible to protect and cleanup on a daily basis neighboring properties from sediment/silt and debris which have washed down, carried or fallen onto their property as a result of the harvesting operation.
- [xxv] No processing of wood products or commercial sale of wood or logs shall be permitted on the property unless zoning approval is obtained.
- [xxvi] Removal of stumps as part of any timber harvesting operation shall be considered earth disturbance and is subject to applicable sections of the Code of North Coventry.
- [xxvii] Litter resulting from a timber harvesting operation shall be removed from the site before it is vacated by the operator.
- [xxviii] No loading or unloading of vehicle, equipment or timber may take place upon any township or state road. Such activities shall be conducted entirely within the boundary of the harvest site.
- [xxix] No temporary living quarters for workers may be placed upon the worksite.
- [xxx] When the harvest is completed, all access roads, skid and haul trails and landing areas must be graded to original contours and be seeded and mulched as necessary until stable groundcover is established. Water diversion devices should be installed where necessary to prevent erosion and sedimentation. Roadside ditches shall be cleaned and regarded as necessary to restore them to their condition prior to harvest. Inspection and remediation shall continue until the Township Engineer has determined that stabilization of disturbed areas is equal to, or better than, pre-harvest conditions.
- [xxxi] Between two and one half years and four and one half years following completion of a timber harvesting operation, the property owner shall inventory forest regeneration and provide inventory results to the Township.

If such inspection shows evidence of inadequate regeneration based on the forest management plan, the landowner shall replant and take such measures to protect the seedlings, including but not limited to, weed mats, tree tubes, and fencing as recommended by the forester as necessary to insure success of forest regeneration. The obligation shall continue each year thereafter to assure adequate regeneration until such adequate regeneration is established.

[xxxii] Invasive Plant Species, as defined by the Township Zoning Ordinance, shall be removed from the Timber Harvest Area. The Forest Management Plan shall provide for the management and control of invasive plant species.

[xxxiii] Deviation from the hauling route as set forth in the approved Transportation Map, without written permission from the Township, shall terminate the permit.

[e] Conditional Use Process. The Applicant may request a conditional use hearing in accordance with this Chapter to amend or modify the requirements of the Timber Harvesting Plan wherein the Applicant shall have the burden to prove that any deviation or modification pursuant to the standards in this Chapter for conditional use applications and shall effectuate the following:

[i] North Coventry Township recognizes that the timber resources are a renewable resource of significant value and may be harvested. North Coventry Township also recognizes that if timber harvesting practices are carried out poorly, they can result in significant environmental and aesthetic damage to land and to adjacent lands and waters. Thus, this subsection is intended (1) to regulate those harvesting activities, such as stream crossings and the location of landings, haul roads, and skid trails, that most readily affect the environment, particularly with regards to controlling soil erosion and sediment-laden runoff and (2) to encourage the use of professional forest management expertise in the preparation and evaluation of timber harvests. The destruction and indiscriminate removal of trees and related vegetation causes increased municipal costs for proper drainage control, impairs the stability and value of both improved and unimproved real property in the area of destruction, modifies the groundwater regime that adversely affects groundwater and surface-water levels, and adversely affects the health, safety and general welfare of the inhabitants of North Coventry Township. A Tree Harvesting Plan is intended to prevent:

[a] Pollution of lakes, ponds, and watercourses from sediment or other materials;

[b] Unnecessary destruction of trees and other vegetation;

[c] Excessive exposure of soils to erosion;

[d] Unnecessary modification of natural topography or unique geological features.

[e] Failure to restore sites to an attractive natural condition;

[f] Damage to private property; and,

[g] North Coventry Township, or other governmental bodies, from having to undertake, at public expense, programs of restoring or repairing roads, stormwater management and flood protection facilities or any other public facilities arising from the adverse effects of improper timber harvesting.

[ii] In order to conserve forested open space and the environmental and economic benefits they provide, it is the policy of the Township to encourage the owner of forest land to continue to use their land for forestry purposes, including the long-term production of timber, and to promote forest stewardship and the environmental and economic benefits they provide, including recreation, wildlife preservation and watershed protection. The forestry and timber harvesting regulations contained in this section are intended to further this policy by:

[a] Promote proper forest stewardship;

[b] Protect the rights of adjoining property owners;

[c] Minimize the potential for adverse environmental impacts associated with any timber harvesting operation; and,

[d] Avoid unreasonable and unnecessary restriction on the right of property owners to harvest timber, which activity is a permitted use in all zoning districts.

[iii] The Board of Supervisors, solely at its discretion, may grant a modification of the requirements of one or more provisions of this subsection if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question or if an alternative standard can be demonstrated to provide equal or better results, provided that such modification will not be contrary to the public interest and that the purpose and intent of this subsection is observed.

Section 3 All subsections of Chapter 370-29 B are hereby amended by deleting all references to the timber harvesting plan requirements of §370-29 B(7)(a)[6] and substituting §370-29 B(7)(g).

Section 4. The provisions of subsection 370-29 B(7) are hereby amended and restated in its entirety as set forth herein.

Section 5. Severability.

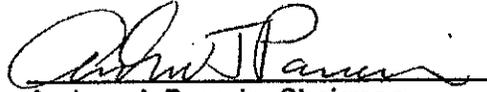
Should any part or parts of this Ordinance be found to be void by a Court of competent jurisdiction, the remainder shall remain in full effect.

Section 4. Effective Date.

This Ordinance shall become effective five days after enactment.

ENACTED AND ORDAINED this 26th day of May, 2009.

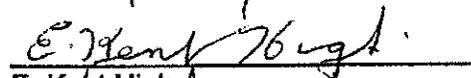
NORTH COVENTRY TOWNSHIP
BOARD OF SUPERVISORS

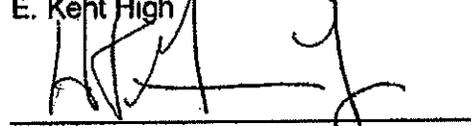

Andrew J. Paravis, Chairman

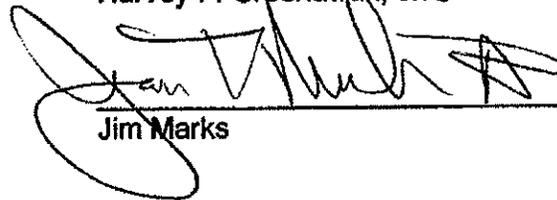
ATTEST:


Kevin F. Hennessey
Township Manager/Secretary


Bud Jenschke, Vice Chairman


E. Kent High


Harvey F. Greenawalt, Jr.


Jim Marks

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF NORTH COVENTRY TOWNSHIP**

A RESOLUTION AMENDING THE SCHEDULE OF FEES FOR TOWNSHIP BUILDING PERMITS, TOWNSHIP PLUMBING AND ELECTRICAL PERMITS, TOWNSHIP USE AND OCCUPANCY CERTIFICATES, TOWNSHIP AUTOMATIC FIRE EXTINGUISHING SYSTEMS, FIRE ALARM AND DETECTION SYSTEMS, TOWNSHIP ZONING PERMITS AND OTHER PERMITS AND ESTABLISHING A FEE SCHEDULE FOR SUBDIVISION AND LAND DEVELOPMENT MATTERS

WHEREAS, on April 27, 1992, the Board of Supervisors enacted a Resolution establishing a Schedule of Fees for Township building permits, Township plumbing permits, Township Use and Occupancy certificates, and other permits; thereafter amended and;

WHEREAS, it is the desire of the Board of Supervisors to amend that schedule to read as follows and;

WHEREAS, The Zoning, and Subdivision and Land Development Ordinances allow for the Board of Supervisors to proscribe fees and amend them from time to time, now therefore:

WHEREAS, The Board of Supervisors on September 10, 2007 by ordinance No. 135 did Codify the Ordinances of the Township, Pursuant to Section 1601(d) [53 P.S. § 66601(d)] of the Second Class Township Code:

BE IT RESOLVED AND ENACTED by the Board of Supervisors of North Coventry Township, Chester County, Pennsylvania, hereby establishes the following Schedule of Fees to be paid the Township upon submission of an application for any permit or certificates required by the applicable Code of the Township of North Coventry and any Amendment thereto:

SCHEDULE OF FEES

GRADING PERMIT

\$400.00 Possible escrow

BUILDING PERMITS

New Construction (Including Additions)

Residential

Under 500 square feet

Base fee \$75 plus \$1.00 per sq. ft.

500 to 1,000 square feet

Base fee \$100 plus \$.75 per sq. ft.

Over 1,000 square feet

**Base fee \$175 plus \$.50 per sq. ft.
(includes basements, open porches,
decks)**

Non-Residential

Under 500 square feet

Base fee \$200 plus \$1.50 per sq. ft.

500 to 1,000 square feet

Base fee \$250 plus \$1.00 per sq. ft.

Over 1,000 square feet

Base fee \$350 plus \$.75 per sq. ft.

ALTERATIONS AND RENOVATIONS (No new square footage added)

Residential

Base fee \$100 plus \$1.50 per \$100
Of estimated cost, Or fraction
thereof over \$3,000.

Non-Residential

Base fee \$400 plus \$3.50 per \$100
of estimated cost, Or fraction
thereof over and above \$15,000
up to \$500,000 of estimated cost.

\$2.00 per \$100 for the next
\$1,000,000 of estimated cost.

\$1.50 per \$100 for any additional
estimated cost.

Building Permits

Re-inspection fee

Residential \$150.00
Commercial \$200.00

FIRE INSURANCE ESCROW FEES

Opening and closing of Escrow Account	\$200
Attorney's Fees for failure to act	Cost
Additional Administrative fees	Cost
Inspections	\$100

FIRE SYSTEM PERMITS

New Construction (Including Additions)

Non-Residential

Under 500 square feet

Base fee \$125 plus 2% of estimated
cost

500 to 1,000 square feet	Base fee \$150 plus 2% of estimated cost
Over 1,000 square feet	Base fee \$175 plus 2% of estimated cost
<u>FIREWORK DISPLAYS</u>	\$250 plus bond.
<u>EXPLOSIVES</u>	\$175 fee
<u>LP-GAS</u>	\$175 fee
<u>FLAMMABLE & COMBUSTIBLE LIQUIDS</u>	\$175 fee
<u>MISCELLANEOUS COMBUSTIBLE STORAGE</u>	\$175 fee
<u>PYROTECHNIC SPECIAL EFFECTS MATERIAL</u>	\$175 fee
<u>STORAGE OF SCRAP TIRES AND TIRE BYPRODUCTS</u>	\$175 fee
<u>TEMPORARY MEMBRANE STRUCTURES, TENTS & CANOPIES</u>	\$175 fee
<u>CUTTING & WELDING</u>	\$175 fee
<u>HAZARDOUS MATERIALS</u>	\$175 fee
<u>STANDPIPE SYSTEMS</u>	\$175 fee
<u>SPRAYING & DIPPING</u>	\$175 fee
<u>DEMOLITIONS</u>	\$2.50 per \$100 of estimated cost, or fraction thereof.
<u>TEMPORARY BUILDINGS</u>	\$.75 per sq. ft.
<u>SIGNS</u>	\$150 plus \$3.00 per sq. ft. of total sign area.
<u>SWIMMING POOLS</u>	\$2.50 per \$100 of estimated cost, or fraction thereof.

TENNIS COURTS \$2.00 per \$100 of estimated cost, or fraction thereof.

BURN PERMITS- Agricultural \$15.00

SALE OF PRODUCT PERMIT \$50.00

USE AND OCCUPANCY CERTIFICATE

Residential \$125 per unit.

Non-Residential \$225 per unit.

ALTERNATIVE HEATING EQUIPMENT

Inspection for insurance certification. \$50.00

PLUMBING PERMITS (New Construction, Renovations and Alterations)

Residential \$150 plus \$15 per fixture.

Non-Residential \$450 plus \$25 per fixture.

License \$100 Master
\$50 Journeymen

ELECTICAL PERMITS (New Construction, Renovations and Alterations)

Residential \$150 plus \$15 per fixture.

Non-Residential \$450 plus \$25 per fixture.

License \$100 Master

MECHANICAL PERMITS (New Construction, Renovations and Alterations)

Residential 2% estimated cost.

Non-Residential 2% estimated cost.

ZONING FEES

Zoning Permits \$75.00

Tree Removal Permit \$85.00

Tree Harvesting Permit/Review	\$1,000 Plus a \$1,000 escrow for review by the Township Forester
Zoning Hearings Residential	\$500.00 Plus actual administrative costs beyond the first hearing
Commercial or Industrial	\$1,500.00 Plus actual administrative costs beyond the first hearing
Conditional Use	\$2,200.00*
Curative Amendment	\$2,500.00*

*** plus an escrow of that equal to the Subdivision and Land Development Ordinance Escrow for engineering, legal and other professional services used by the Township.**

DRIVEWAY/ ROAD OPENING

Permit	\$150 Plus \$400 escrow
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SUBDIVISION AND LAND DEVELOPMENT FEES

A. MINOR SUBDIVISION AND/OR LAND DEVELOPMENT

- a. **Residential (includes lot line change): General Application Fee of \$400 + \$50 per lot/dwelling unit plus Escrow of \$1,500.**
- b. **Commercial: General Application Fee of \$600 plus Escrow of \$1500.**

B. MAJOR SUBDIVISION AND/OR LAND DEVELOPMENT

- a. **Residential:**
 - i. **3 to 10 Lots/Dwelling Units \$600 + \$50 per Lot/Dwelling Unit plus Escrow of \$5,000**
 - ii. **11 to 25 Lots/Dwelling Unit \$1200 + \$50 per Lot/Dwelling Unit plus Escrow of \$5,000**
 - iii. **26 to 75 Lots/Dwelling Unit \$1750 + \$55 per Lot/Dwelling Unit plus Escrow of \$7,500**
 - iv. **76 Lots/Dwelling Units and \$2250 + \$60 per Lot/Dwelling Unit plus Escrow of \$10,000**

b. Non-Residential (Commercial, Industrial, Institutional)

- i. Subdivision Only: \$1,250 plus Escrow of \$2,500**
- ii. Land Development: \$2,500 and**
 - 1. Up to 25,000 Gross sq. ft. of Floor Space: \$25 per thousand sq. ft. plus Escrow of \$7,500**
 - 2. 25,001 to 50,000 Gross sq. Ft. of Floor Space: \$22 per thousand sq. ft. plus Escrow of \$7,500**
 - 3. 50,001 to 100,000 Gross sq. ft. of Floor Space: \$20 per thousand sq. ft. plus Escrow of \$7,500**
 - 4. 100,001 and Over Gross sq. ft. of Floor Space: \$17 per thousand sq. ft. plus Escrow of \$7,500**

C. REQUEST FOR RELIEF FROM LAND DEVELOPMENT PROCESS:

- a. General Application Fee: \$600 plus Escrow of \$1,500**

PLAN REVIEW ESCROW

In addition to the non-refundable application fees described above, each applicant, owner, subdivider, or developer seeking approval of any zoning change (map or text) amendment, curative amendment, subdivision ordinance amendment, or any plan for subdivision or land development shall place into escrow with the Township, at the time of application, an amount as outlined above to cover all costs of engineering reviews and/or inspections, professional planning review (not to include the Chester County Planning application fee), legal services, and other professional services used by the Township in connection with the application. From this escrow, the Township shall pay invoices of these professionals, as they become due. When the escrow amount drops below 50%, as the escrow deposit for expenses incurred is expended, the applicant shall make further deposits upon notice from the Township to reestablish the escrow fund in the full amount until approval of the Plan. If the applicant fails to timely (45 days after notice) reestablish the escrow account the Township may give an additional notice by Certified Mail and if the applicant fails to reestablish the escrow within 30 days of receipt of said Certified Mail the Township may deny the application for any outstanding noncompliance with Township Ordinances as set forth in the MPC. Thereupon the Applicant will have to re-apply. Upon approval of the Final Plan, the Township shall refund any uncommitted portion of the escrow deposit remaining after expenses incurred by the Township have been paid in full by the applicant. To the engineering and legal fees and other professional fees required to be paid by the Township by this part, there shall be added 2% as reimbursement to the Township of the costs incurred by

the Township for the collection of such fees and the disbursement of the same by the Township.

Finally, the applicant must sign a Professional Services Agreement as required by the Township.

RESOLVED AND ENACTED by the Board of Supervisors of North Coventry Township this 4th Day of January, A.D. 2016.

**NORTH COVENTRY
TOWNSHIP BOARD OF
SUPERVISORS**

Attest:

Kevin F. Hennessey
Kevin F. Hennessey, Secretary

James T. Marks III
James T. Marks III, Chairman

E. Spencer Claypoole
E. Spencer Claypoole, Vice
Chairman

Harvey Greenawalt Jr.
Harvey Greenawalt, Jr.

Rebekah Elliott
Rebekah Elliott

Richard Scheler
Richard Scheler