

*Township of East Nottingham, PA  
Monday, February 25, 2019*

## Chapter 27. Zoning

### Part 4. NATURAL FEATURES PROTECTION STANDARDS

#### § 27-406. Forestry and Logging Standards.

[Ord. 2005-9, 12/29/2005, § 406]

1. Statement of Intent. It is the purpose of this section to provide for the regulation of logging operations to ensure:
  - A. That long-term production of forest crops and benefits is encouraged.
  - B. That the right to harvest trees is exercised with due regard for the protection of the physical property of adjacent landowners.
  - C. That the potential for negative environmental impacts resulting from improper logging operations is minimized and sound forest stewardship is practiced.
  - D. That unreasonable and unnecessary restrictions on the right to undertake logging operations are avoided.
2. Scope and Applicability.
  - A. The provisions and requirements of this section shall apply to any logging operation, as defined by this chapter, where the harvest area in which the logging operation will occur occupies one acre or more of land within East Nottingham Township.
  - B. A zoning permit in accordance with the terms of this section shall be required for all logging operations, except as noted in Subsection 2C, below.
  - C. The following operations are specifically exempt from the requirement to obtain a zoning permit or prepare a forestry/logging plan:
    - (1) Removal of dead or diseased trees.
    - (2) Removal of trees that are in such a condition or physical location as to constitute a danger to the occupants of a property or the structures thereon, or to a public right-of-way.
    - (3) Removal of up to five trees per year on any identified acre of woodland for the purpose of timber stand improvement.

- (4) Christmas tree farming.
- (5) Orchard operations.
- (6) Removal of nursery stock.
- (7) Timber harvest for home use, normal property maintenance and upkeep.

3. Responsibility.

- A. It shall be the responsibility of each landowner on whose land a logging operation is to be carried out to develop or have developed a written forestry/logging plan, in form and content as specified by this section, and to submit such plan to the Zoning Officer as part of the application for a zoning permit. No logging operation shall occur until the plan has been reviewed and approved by the Township. It shall be the joint responsibility of the landowner and the operator to see that the provisions of the forestry/logging plan are carried out. The plan shall be available at the harvest site at all times during the logging operation and shall be provided to the Zoning Officer upon request.
- B. For any logging operation, the landowner shall notify the Zoning Officer at least 10 business days prior to commencement of the operation and within five business days of completion of the operation. Notification shall be in writing and shall specify the land on which the operation will occur and the anticipated starting or completion dates of the operation.

4. Preparation and Content of Forestry/Logging Plan.

- A. Each forestry/logging plan for a logging operation within East Nottingham Township shall be prepared by a professional forester or similar professional acceptable to the Township.
- B. Any logging plan shall, at minimum, include the following:
  - (1) Property description, including location and brief description of each stand on the property.
  - (2) Goals and objectives of the logging operation.
  - (3) A narrative stand analysis describing stocking (in terms of basal area or relative density), species composition, and average diameter of stand.
  - (4) Narrative description of the residual stand.
  - (5) The following appendices:
    - (a) Proof of current general liability and/or workers' compensation insurance.
    - (b) Copy of erosion and sedimentation control plan with a letter of adequacy from the Chester County Conservation District, and including all associated permits and reports, as applicable.
    - (c)

Proof of a PennDOT highway occupancy permit or an East Nottingham Township driveway permit for temporary access, as applicable.

- (6) A site map containing the following information:
  - (a) Site location and boundaries, including both the boundaries of the property on which the logging operation will take place and the boundaries of the proposed harvest area within the property.
  - (b) Location of all earth disturbance activities such as roads, landings, and water control measures and structures.
  - (c) Location of all proposed crossings of waters of the commonwealth.
  - (d) The general location of the proposed operation in relation to Township and state roads, including proposed access to those roads.
  - (e) Topography, including areas with slope between 15% and 25% and areas with slope greater than 25%, and soils of the property and harvest site.
  - (f) Location of any wetlands or other sensitive environmental areas and the proposed measures to protect such areas.
- (7) Demonstration of compliance with all applicable state laws and regulations including, but not limited to:
  - (a) 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.
  - (b) Stream crossing and wetland 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.
  - (c) Stormwater management plans and regulations issued pursuant to the Stormwater Management Act, 32 P.S. § 680.1 et seq.
- (8) Demonstration of compliance with 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).
- (9) Identification of, and measures that will be taken to protect, specimen vegetation (as defined in the Township Subdivision and Land Development Ordinance [Chapter 22]).
- (10) The forestry/logging plan shall include a plan for the reforestation of the site, including the retention of a sufficient number of younger, healthy trees. The plan shall be consistent with accepted forest management practices including, but not limited to, the use of deer fencing and herbicides. Plant material to be used for reforestation purposes shall conform to the standards of the publication "American or U.S.A. Standard for Nursery Stock," ANSI or USAS Z60.1 of the American Association of

Nurserymen, as amended. All plant material used on the site shall have been grown within the same USDA hardiness zone as the site and shall be nursery grown, unless it is determined by the Township that the transplanting of trees partially fulfills the requirements of this section. The plan also shall address measures to use and/or dispose of downed trees and other slash.

(11) Where a logging operation is proposed on land with a slope between 15% and 25%, the forestry/logging plan shall include all applicable information required by § 27-405 of this chapter.

5. Forestry Practices in Relation to Logging Operations. The following requirements shall apply to all logging operations:
- A. Felling or skidding on or across any public road is prohibited without the express written consent of the Township or the Pennsylvania Department of Transportation, whichever party is responsible for maintenance of the road.
  - B. Clear-cutting, as defined by this chapter, shall not be permitted as part of any logging operation.
  - C. There shall be no logging permitted on any land with a slope of 25% or greater.
  - D. No tree shall be felled across a property line without the consent of the adjoining landowner.
  - E. Litter resulting from any logging operation shall be cleaned up and removed from the site before it is vacated by the operator.
  - F. Upon completion of the cutting and removal of trees from the site, all remaining tops and slash shall be removed from the site. The forestry/logging plan shall detail the means by which this will be accomplished. A form of financial security, consistent with the terms of § 22-601, Subsection 3, of the East Nottingham Township Subdivision and Land Development Ordinance [Chapter 22], shall be provided by the landowner or operator to assure that all tops and slash are removed from the site and that the required terms for reforestation of the site are accomplished. Such guarantee shall be for an amount not less than \$3,000 per acre of tract area being harvested.