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<th>Application for Logging Permit</th>
<th>Permit Fee $110.00</th>
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guaranteed the repair of such potential damages, as calculated by the Township Engineer, to the extent the damage is in excess of that caused by normal usage, and shall be required to furnish a bond to responsibility for repairing any damage to Township roads caused by traffic associated with the timber harvesting operation, pursuant to Title 76 of the Pennsylvania Consolidated Statutes, Chapter 48 and Title 67 Pennsylvania Code, Chapter 1001, the Keystone and the Forests and Trees Act be responsible for Road Maintenance and Repair. Road Bonding – Pursuant to Title 76 of the Pennsylvania Consolidated Statutes and Section 4 of the Pennsylvania Act 24 of 1996, the following requirements shall apply to all timber harvesting operations:

1. Felling of Sticking on or across any public road is prohibited with all the express written consent of the Township, or the Pennsylvania Department of Transportation, whichever is responsible for maintenance of the sticking.
2. No trees or stumps shall be left within twenty-five feet (25) feet of any public road or private roadway providing access to adjoining residential property.
3. No trees or stumps shall be left within twenty-five feet (25) feet of any public roadway or private roadway providing access to adjoining residential property.
4. No trees or stumps shall be left on, or across, the boundary of any property adjoining the operation.
5. Like resuming from a timber harvesting operation shall be removed from the site before it is vacated by the operator.
6. All timber harvesting must be in compliance with the current zoning ordinance logging provisions.

Requited Forest Practices – The following requirements shall apply to all timber harvesting operations:

Regulations shall be attached to and become part of the logging plan.

B. Stream crossings and wetlands protection regulations contained in the Act 32 P.S. 693.1 et seq.

Compliance with State Law – The logging plans shall address and comply with the requirements of all applicable State and Federal regulations including, but not limited to the following:

A. Stream crossings and wetlands protection regulations contained in the Act 32 P.S. 693.1 et seq.

Promulgated pursuant to the Clean Streams law (35 P.S. 691.1 et seq.) and the Dam Safety and Encroachments Act (32 P.S. 693.1 et seq.).
Chapter 397. Timber Harvesting

[HISTORY: Adopted by the Board of Supervisors of East Earl Township 1-11-2011 by Ord. No. 170. Amendments noted where applicable.]

GENERAL REFERENCES
Zoning — See Ch. 450.

§ 397-1. Title.

This chapter shall be known as the "Timber Harvesting Ordinance."

§ 397-2. Purpose.

The purpose of this chapter is to protect and promote the public health, safety and welfare of its citizens by establishing regulations relating to the harvesting of timber on lands within the Township of East Earl. This chapter provides for permitting and inspection of logging activities, and penalties for noncompliance. The Board of Supervisors of East Earl Township deem the regulation of tree harvesting necessary to ensure: the long-term production of forest crops; protection of the physical property of adjacent landowners; protection of the environment by minimizing improper tree-harvesting practices; and the safety of the public thoroughfares within the Township.

§ 397-3. Intent.

It is the intent of this chapter to regulate timber harvesting practices and to allow for and encourage proper forest management within East Earl Township. This chapter is not intended to prescribe specific cutting practices; or to prevent or hinder any landowner from realizing financial return from the sale of trees; or to prevent or hinder tree harvesting or forest industry operators from pursuing their business within the Township. It is not the intent of this chapter to regulate tree cutting for home use or noncommercial timber stand improvement work.

§ 397-4. Authority.

This chapter is enacted pursuant to the general powers conferred upon the Board of Supervisors under Section 1506 of the Second Class Township Code, Act of May 1, 1933 (P.L. 103, No. 69), as reenacted and amended November 9, 1995 (P.L. 350, No. 60), as amended.[1]
[1] Editor's Note: See 53 P.S. § 66506.
§ 397-5. Definitions.

The following words are defined as they are used in this chapter:

FOREST TECHNICIAN
A person who has a two-year degree in forestry from a two-year school of forestry associated with or accredited by the Society of American Foresters.

LANDING
A place where logs are assembled for transportation in loads.

LITTER
Discarded items not naturally occurring on the site (i.e., tires, oil cans, etc.).

LOGGING PLAN
A written description with a map of a specific logging operation prepared before the operation commences.

LOPPING
To cut tops and slash into smaller pieces to allow material to settle close to the ground.

NONCOMMERCIAL TIMBER STAND IMPROVEMENT
A practice in which the quality of the residual forest stand is improved by removing the less-desirable trees, vines, and occasionally large shrubs to obtain the preferred stocking of the best quality trees. It can also include such practices as tree pruning. A noncommercial timber stand improvement is involved with the removal of the above-mentioned trees, etc. but does not yield a net income, usually because the trees cut are too small, poor quality, or not marketable.

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

OWNER
The individual, partnership, company, firm, association, or corporation owning fee simple title to the land from which timber is to be harvested.

PROFESSIONAL FORESTER
A person who has a B.S. or higher degree in forestry from a four-year school of forestry associated with or accredited by the Society of American Foresters.

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

SLASH
Woody material left after logging, including logs, chunks, bark, branches, stumps, and broken understory trees or brush.

STREAM
Any channel of conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow.
TIMBER HARVESTING (also TREE HARVESTING/LOGGING)
The cutting down and removal of five or more trees from a single lot or tract of
land within the Township.

TIMBER HARVESTING PERMIT
Written permission, warrant, or license granted by East Earl Township to the
owner and operator seeking to engage in the harvesting of timber on land within
the Township.

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

§ 397-6. Applicability.
The provisions and requirements of this chapter shall apply to all timber harvesting
operations within the Township, except that submission of logging plans and
notification of the enforcement office shall be required only as outlined in §§ 397-8 and
397-9 of this chapter.

§ 397-7. Application for timber harvesting permit.
A. Any owner or operator intending to engage in timber harvesting shall apply for and
obtain a timber harvesting permit from the Township. The timber harvesting permit
shall be valid for a period of 60 days from the date of issuance. Whenever an
operator makes application for the timber harvesting permit, the application shall
not be complete unless it is also signed by the owner.

B. Application forms shall be made available at the East Earl Township office. The
application forms shall require that the applicant disclose the following information,
and such other information that the Township shall reasonably require:

(1) The name, address and telephone number of the owner.

(2) The name, address and telephone number of the operator, if other than the
owner.

(3) Street address and tax parcel number of the tract of land within East Earl
Township from which the timber shall be harvested, including a sketch of the
tract showing the approximate location(s) on the tract where the logging shall
occur and identifying the names and addresses of the owners of all adjoining
properties.

(4) The identification of any streams located upon the tract of land from which the
timber shall be harvested.

(5) The identification of all roads or thoroughfares that the owner or operator will
use to remove the harvested timber from the land.
§ 397-8. Logging plan required.

It shall be the responsibility of each owner and/or operator to develop or have developed a logging plan and submit notification where required by this chapter. It shall be the joint responsibility of the owner and the operator to see that they carry out the provisions of the logging plan.

§ 397-9. Logging plans.

A. A logging plan shall be prepared for each timber harvesting operation expected to exceed 1/2 acre of land by a professional forester or forest technician.

B. Such logging plan will address all applicable erosion and sedimentation control and stream crossing regulations under Chapter 102, Erosion Control Rules and Regulations, issued under Act of June 22, 1937 (Clean Streams Law),[1] and Chapter 105, Dam and Waterway Management Rules and Regulations issued under Act of 1978, P.L. 1375, No. 325 (Dam Safety and Encroachments Act),[2] as amended, or subsequent applicable legislation.

[1] Editor's Note: See 35 P.S. § 691.1 et seq.
[2] Editor's Note: See 32 P.S. § 693.1 et seq.

C. The logging plan shall identify and/or address all of the following points, at a minimum:

(1) Design of the road system;

(2) Water control structures;

(3) Stream crossings;

(4) Log landings;

(5) Haul roads, skid roads, and skid trails;

(6) Maintenance of items in Subsection C(1) through (5);

(7) The general location of the anticipated operation in relation to Township and state roads;

(8) The location of property boundaries for the tract on which the logging will take place and the boundaries of the proposed harvest area;

(9) Copies of all required permits shall be submitted as an appendix to the logging plan.

D. The logging plan will be available at the timber harvesting site.

E. For all timber harvesting operations that are expected to exceed 1/2 acre, the Township enforcement officer shall be notified before the beginning and end of the operation.
F. The erosion and sediment control and stream crossing requirements addressed in the logging plan shall be followed at all times during the operation.

G. The following general operational requirements shall apply to all timber harvesting activities:

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 said thoroughfare.

2. No tops or slash shall be left within 25 feet of any public thoroughfare.

3. All tops and slash between a distance of 25 and 50 feet from a public thoroughfare shall be lopped to a maximum height of four feet above the surface of the ground.

4. No tops or slash shall be left on or across a property boundary without the consent of the adjoining landowner.

5. Litter resulting from any logging operation shall be cleaned up and removed from the site upon completion of the timber harvesting operation.

§ 397-10. Enforcement.

A. The enforcement officer designated by the Township may go upon the site of any timber harvesting operation before, during, and after the active logging to review plans and other required documents to ensure that such plans and documents are in compliance with the provisions of this chapter and to ensure that the actual operation is proceeding in compliance with these plans. It is recommended that the owner or owner’s representative be contacted and invited to be present during the inspection.

B. Any logging operation found to be proceeding without a logging plan, where one is required under this chapter, shall immediately cease operations and shall not resume until a logging plan is prepared and submitted to the Township enforcement officer for his/her approval.

C. When any owner or operator is found to be violating any provision of this chapter, the Township enforcement officer shall provide the owner or operator, or their representative, with a written statement describing each violation and specifying a date by which corrective action must be taken.

D. When the Township enforcement officer finds a condition in a timber harvesting operation to be causing an immediate environmental risk, he/she shall immediately order operations to cease, and contact the County Conservation District and request enforcement of the rules and regulations referred to under § 397-9 of this chapter.

§ 397-11. Violations and penalties.
Any owner or operator who violates any provision of this chapter is guilty of a summary offense, and upon conviction, such owner or operator shall be subject to a fine of $500. Each day that a violation continues shall constitute a separate violation of this chapter.

§ 397-12. Severability.

The sections, subsections, sentences, clauses, phrases and provisions of this chapter are severable and if any of the sections, subsections, sentences, clauses, phrases and provisions hereof are for any reason held by a court of competent jurisdiction to be invalid, such decision so holding that provision or provisions invalid shall not affect and shall not be construed to affect or impair the remaining provisions of this chapter which were not held to be invalid. It is the declared intent of the Board of Supervisors of East Earl Township that this chapter would have been adopted had such provision or provisions held invalid not been included therein.