

East Earl Township  
Permit Fee \$110.00

Application for Logging Permit  
Permit # \_\_\_\_\_

Date Issued \_\_\_\_\_  
Zoning District \_\_\_\_\_

|   |  |  |  |   |  |
|---|--|--|--|---|--|
| Location  |  | Property Owner Information                               |  | Forester Information  |  |
| Lancaster County Lot & Block Number   |  | Address  |  | Company   |  |
| City  |  | State  |  | Forester Name   |  |
| Zip   |  | Zip  |  | Phone   |  |
| Does work affect abutting properties in any way? Yes ___ No ___ If yes, explain   |  | Phone  |  | Fax   |  |
|   |  | Fax  |  | Email   |  |
| Date work will start  |  | Estimated completion date                                |  | Logging area in acres   |  |
| Permit valid for 60 days from the date of issuance  |  | Logging Company:   |  | Estimated cost  |  |
| <input type="checkbox"/> Forest Mngmt. Plan<br><input type="checkbox"/> Erosion & Sedimentation Control Plan<br><input type="checkbox"/> Approval of Lanc. Cty. Conservation Dist.<br><input type="checkbox"/> Storm Water Mngmt. Plan (if applicable)<br><input type="checkbox"/> Property Damage Ins.<br><input type="checkbox"/> Liability Insurance<br><input type="checkbox"/> Plan of Property showing areas of disturbance<br><input type="checkbox"/> Driveway Permit |  | Address<br>City<br>State<br>Zip<br>Phone<br>Fax<br>Email |  | Bond required - \$12,500 per mile of Township roads<br>Performance bond issued by:<br>Company<br>Received by: _____ Building Code Official \$ _____<br>Date _____ Amount _____                    |  |
| The applicant understands and acknowledges that all engineering review costs incurred by the Township shall be reimbursed by the applicant prior to the issuance of this permit. This permit shall expire and become null and void in six (6) months from the date of issuance. Requests to extend the permit time period must be submitted in writing to and approved by the Township Engineer and/or Building Inspector.  |  | Signature of Applicant                                   |  | Date  |  |
| Township Special Conditions:  |  |  |  | Permit approved for issuance:<br>Road Master _____ Date _____   |  |
| Township Engineer/Building Inspector  |  | Date   |  | This is to certify that all logging, grading, filling, etc. stipulated in the above application under permit # _____ has been completed in compliance with the approved plans and specifications. |  |
|   |  | Applicant's Forester                                     |  | Date  |  |

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

- A. Erosion and sedimentation control regulations contained in Title 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 Title 25 Pennsylvania Code, Chapter 105, promulgated pursuant to the Dam safety and Encroachments Act (32 P.S. §693.1 et seq.).

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.

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

- 1. 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 is responsible for maintenance of the thoroughfare.
- 2. No tree tops or slash shall be left within twenty-five (25) feet of any public road, or private roadway providing access to adjoining residential property.
- 3. All tree tops and slash 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 ground.
- 4. No tree tops or slash shall be left on, or across, the boundary of any property adjoining the operation.
- 5. Litter resulting from a timber harvesting operation shall be removed from the site before it is vacated by the forestry operator.
- 6. All timber harvesting must be in compliance with the current zoning ordinance logging provisions.

Responsibility for Road Maintenance and Repair, Road Bonding – Pursuant to Title 75 of the Pennsylvania Consolidated Statutes, Chapter 49; and Title 67 Pennsylvania Code, chapter 189, the landowner and the forestry operator shall be responsible for repairing any damage to township roads caused by traffic associated with the timber harvesting operation, to the extent the damaged is in excess of that caused by normal traffic, and shall be required to furnish a bond to guarantee the repair of such potential damages, as calculated by the Township Engineer.

*Township of East Earl, PA  
Monday, October 28, 2019*

## 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.<sup>[1]</sup>

[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),<sup>[1]</sup> 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),<sup>[2]</sup> 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.