

Section 517 Forestry Uses

517.A. FORESTRY PERMITTED IN ALL ZONES

In accordance with State law, forestry (as defined herein) uses are permitted, by right, in every Zone, subject to the following standards:

517.B. TIMBER HARVESTING PLAN REQUIREMENTS

1. Every landowner on whose land timber harvesting is to occur shall obtain a zoning permit, as required by this Ordinance. In addition to the zoning permit requirements listed in Section 901 of this Ordinance, the applicant shall prepare and submit a written timber harvesting plan in the form specified below. No timber harvesting shall occur until a zoning permit has been issued. The provisions of the permit shall be followed throughout the operation. The timber harvesting plan shall be available at the harvest site at all times during the operation, and shall be provided to the Zoning Officer upon request. The landowner and the operator shall be jointly and severally responsible for complying with the terms of the timber harvesting plan and the zoning permit. All timber harvesting operations will be conducted only in accordance with this ordinance and the approved timber harvesting plan.
 - A. A forest regeneration plan that identifies the principle species of trees intended to be logged and their respective method or methods of forest regeneration, including each species' respective forest regeneration schedule (i.e. in terms of years.) As soon as practical and consistent with sound forest management practices, after the conclusion of the timber harvesting operation, the applicant(s)/owner(s) shall cause to be implemented the forest regeneration schedule of the timber harvesting plan.
 - B. Site Plan - Each timber harvesting plan shall include a scaled 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 and all of the natural and cultural features required within this Article 5 of this Ordinance;
 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. Required Approval of a Forest Stewardship Plan -- All applications for timber harvesting shall include written approval of a Forest Stewardship Plan by the PA DCNR, Bureau of Forestry.
 - D. Compliance With State Law - The application for timber harvesting shall include evidence that the timber harvesting plan addresses and complies with the

requirements of all applicable State regulations, including, but not limited to, the following:

1. 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.); and,
 2. 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.).
- E. Relationship of State Laws, Regulations and Permits to the Timber Harvesting Plan - Any permits required by State laws and regulations shall be attached to and become part of the timber harvesting plan. An erosion and sedimentation pollution control plan that satisfies the requirements of Title 25 Pennsylvania Code, Chapter 102, shall also satisfy the requirements for the timber harvesting plan and associated maps specified in Section 517.B.1., provided that all information required by these sections is included or attached.
- F. Required Marking of Trees - Before any permitted timber harvesting operation begins, all trees that are at least six (6) inches in diameter as measured four and one-half feet (4.5') above grade 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 tree shall be felled which has not been designated for removal on the approved timber harvesting plan.

517.C. REQUIRED NOTIFICATIONS

1. The holder of a permit to conduct a timber harvesting operation shall notify the Township in writing at least forty-eight (48) hours before any cutting of trees is to begin including, but not limited to, those in connection with the construction of roads or trails. Such notification shall also indicate an estimated completion date.
2. The holder of a permit to conduct a timber harvesting operation shall notify the Township in writing within forty-eight (48) hours of the completion date of the timber harvesting operation.

517.D. REQUIRED FOREST PRACTICES

1. The following requirements shall apply to all timber harvesting operations:
 - A. Timber harvesting shall be accomplished with those professionally-accepted silvicultural practices that are most appropriate to the particular timber stand as indicated in the approved timber harvest plan.
 - B. No treetops or slash shall be left within the fifty (50) feet of any public street, private roadway providing access to any adjoining residential property or Residential Zone, adjoining property or designated trail; or within ten (10) feet of any natural or artificial swale or drainage ditch. All tree tops and slash shall be lopped to a maximum height of four (4) feet above the ground.
 - C. Felling or skidding on or across property of others is prohibited without the express written consent of the owners of such property. No treetops or slash shall be left on or across the boundary of any property adjoining the operation without the consent of the owner thereof.

- D. Littering is prohibited and litter resulting from a timber harvesting operation shall be removed from the site on a daily basis.
- E. 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, unless authorized in the approved timber harvesting plan.
- F. Roads and trails shall be constructed, maintained and abandoned in such manner as to prevent soil erosion and permanent damage to soil and waterways.
- G. Roads and trails shall be only wide enough to accommodate the type equipment used and grades shall be kept as low as possible.
- H. Where possible, stream crossings shall be avoided, but where deemed to be necessary, crossings shall be made at a right angle across suitable culverts or bridges.
- I. Skidding across live or intermittent streams is prohibited except over bridges or culverts.
- J. Unless superseded by the 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.), "No Timber Harvesting Buffer Zones" are established in accordance with the following table. Except for the construction and use of roads and trails described in the approved timber harvesting plan, no trees shall be cut, removed, skidded or transported in a No Timber harvesting Buffer Zone.

No Timber Harvesting Buffer Zones	
Use	Required Minimum Setback
Adjoining street except as noted below for scenic roads	50 feet
Scenic roads as listed in Section 320 of this Ordinance	100 feet
Adjoining property	50 feet
Streams or other watercourse	25 feet
Designated Trails	25 feet
Springs, vernal ponds, seeps, Natural or artificial swale or drainage ditches	25 feet

- K. Everything practicable shall be done to prevent damage or injury to young growth and trees not designated for cutting unless authorized within the approved timber harvesting plan.
- L. All limbs and stubs shall be removed from felled trees prior to skidding.
- M. All trees bent or held down by felled trees shall be released promptly.
- N. No trees shall be left lodged in the process of felling with as little damage as

possible to the remaining trees.

- O. 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 the Pennsylvania Department of Transportation in the case of state Highways.
- P. The stumps of all felled trees shall be permitted to remain for soil for stabilization provided that they extend no more than two feet (2') above grade.
- Q. During the periods of abnormal forest fire danger, as determined by the Fire Chiefs Association of Upper Saucon Township, the Township shall have the right to order a suspension of timber harvesting operations until the danger subsides.
- R. Upon completion of a timber harvesting operation, all roads shall be graded to eliminate any wheel ruts, and access to such roads from any public street by motor vehicles of any kind shall be effectively blocked.

517.E. 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 operator shall be responsible for repairing any damage to Township roads caused by traffic associated with the timber harvesting operation, to the extent the damage 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 determined by the Township Board of Supervisors with advice from the Township Engineer.

517.F. TOWNSHIP'S RIGHT TO INSPECT

- 1. The Township may, by its own personnel or outside agent, go upon the site of any proposed timber harvesting operation after an application to conduct such operation has been filed for the purpose of reviewing the plans for the proposed operation and thereafter recommending or opposing the proposed operation or recommending or requiring changes or modifications thereto.
- 2. After a permit for a timber harvesting operation has been issued, the Township shall have the right by its own personnel or agent, to go upon the site before, during and after the timber harvesting operation to insure and require compliance with the plans for said operation as finally approved and all of the terms and provisions of this Ordinance.

Section 518 Wellhead Protection Overlay Zone

518.A. PURPOSE

The purpose of this Section is to safeguard the public health, safety and welfare, by providing regulation of land use and the manufacture, use, storage, transport, or disposal of hazardous substances which pose a threat to the quality and quantity of groundwater being extracted from the public water system.

518.B. CONSTITUTIONAL AND STATUTORY AUTHORITY

- 1. Constitutional authority for this Section is contained in Article I, Section 27 of the Pennsylvania Constitution, wherein it specifically provides for a right to clean water.
- 2. Statutory authority for this Section is specifically set forth in Section 604 of the Municipalities Planning Code, Act of July 31, 1968, P.L. 805, as amended, 53 P.S. §10604,

**TOWNSHIP OF UPPER SAUCON
LEHIGH COUNTY, PENNSYLVANIA**

ORDINANCE NO. 141-I

AN ORDINANCE AMENDING THE UPPER SAUCON TOWNSHIP ZONING ORDINANCE OF 2009, AS AMENDED, TO REVISE REGULATIONS RELATING TO NON-COMMERCIAL TREE CUTTING AND REMOVAL AND TO PROVIDE REGULATIONS RELATING TO THE EMERGENCY AND NON-EMERGENCY CUTTING AND REMOVAL OF TREES; RELATING TO THE CUTTING AND REMOVAL OF DEAD AND DISEASED TREES; LIMITING TREE CUTTING AND REMOVAL IN THE SMC ZONING DISTRICT; ELIMINATING ANY REQUIREMENT FOR INDIVIDUAL LOT GRADING PLANS IN CONNECTION WITH CERTAIN TREE CUTTING AND REMOVAL ACTIVITIES; MODIFYING CONSTRUCTION-RELATED TREE CUTTING AND REMOVAL REQUIREMENTS FOR LAND DEVELOPMENT AND CONSTRUCTION PERMITS; AND MODIFYING THE PENALTY PROVISIONS FOR UNAUTHORIZED TREE CUTTING TO MAKE SUCH ACTIVITY SUBJECT TO THE PENALTY PROVISIONS OF THE ORDINANCE AND WHERE FEASIBLE TO REQUIRE TREE REPLACEMENT SUBJECT TO SPECIFIC STANDARDS

SECTION 1: STATEMENT OF LEGISLATIVE FINDINGS

WHEREAS, on June 9, 2009, the Board of Supervisors of Upper Saucon Township (hereinafter, "Supervisors") enacted a comprehensive amendment to the Upper Saucon Township Zoning Ordinance; and

WHEREAS, the Supervisors have, from time to time, amended the Zoning Ordinance to, among other things, clarify and simplify terminology; and

WHEREAS, the Supervisors have determined that certain requirements of the Zoning Ordinance relating to non-commercial tree cutting and removal practices place unnecessary limitations and requirements on Township citizens; and

WHEREAS, the Supervisors find that the current, non-commercial tree cutting regulations, in some circumstances, create a potential for an overly restrictive impact on property owners and others who maintain property; and

WHEREAS, the Supervisors desire to modify certain provisions of the Zoning Ordinance to address these concerns in a manner consistent with these findings.

NOW, THEREFORE, the Board of Supervisors of Upper Saucon Township does hereby enact and ordain the following amendments to the Upper Saucon Township Zoning Ordinance of 2009, as amended.

SECTION 2: ZONING ORDINANCE TEXT AMENDMENTS

1. Section 516, titled "Tree Cutting," is deleted in its entirety and the following is substituted therefore:

"Section 516 Tree Cutting and Removal

516.A. TREE CUTTING AND REMOVAL, PURPOSE AND SCOPE.

Recognizing that the presence of trees in our surroundings is important and desirable from ecological, environmental and aesthetic standpoints; this Section imposes restrictions upon the non-commercial cutting down of mature trees upon private property, subject to other requirements of this Ordinance which address, among other things, the planting and maintenance of trees and other landscape materials and activities on, in or impacting wetlands, riparian buffers and other natural features and areas. This Section does not apply to commercial tree cutting and forestry uses addressed in other Sections of this Ordinance.

516.B. EMERGENCY TREE CUTTING AND REMOVAL.

1. A landowner may cut down any tree at any time provided that the condition and location of the tree creates an immediate threat of bodily injury or harm to the public health and safety or presents an imminent and substantial threat to property. Examples of authorized, emergency tree cutting include, but are not limited to, partially uprooted trees that threaten nearby structures, property, roads or sidewalks; damaged trees with split trunks due to lightning strike or wind loads; trees blocking emergency vehicle access during times of natural disaster, civil defense or rescue and partially damaged or fallen trees which threaten to cause an immediate rise in floodwaters. A zoning permit shall be obtained prior to conducting the tree cutting and removal activities authorized by this sub-section.

2. If the nature of the emergency does not allow for the prior acquisition of a zoning permit, the same shall be obtained within 72 hours after the cutting down of such tree(s). Under such circumstances, at the time of permit application, the landowner shall present documentation to the Township (which may include digital photographs or other information) evidencing the existence of an emergency as required by sub-section 1, above.

3. There shall be no fee for a zoning permit under this sub-section.

516.C. NON-EMERGENCY TREE CUTTING AND REMOVAL.

1. Except for lots that are subject to a forest regeneration plan under section 517.B.1.A of this Ordinance; lots located in the SMC Zoning District; wetlands; areas governed by the riparian buffer provisions of this Ordinance and other areas subject to federal and State regulation, a landowner shall cut down and remove trees from a lot only as follows:

- A. A landowner may at any time and for any reason cut down and remove without the need for a zoning permit any tree that is less than 6 inches in diameter at a point 4.5 feet above ground level.
- B. A landowner may at any time and for any reason cut down and remove without the need for a zoning permit up to 3 trees per lot, per calendar year.
- C. In addition to the tree cutting and removal authorized in sub-sections 516.B, 516.C.1.A and B and 516.D and subject to the prior receipt of a zoning permit; a landowner may cut down and remove 1 additional tree per calendar year for every 2 acres per lot, or fraction thereof, not to exceed a maximum of 7 additional trees per lot. For example in a single calendar year a landowner with a 2 acre lot may remove up to 4 trees upon receipt of a permit, and a landowner owning a lot comprised of more than 2, but less than 4, acres may remove up to 5 trees upon receipt of a permit.

516.D. CUTTING AND REMOVAL OF DEAD AND DISEASED TREES.

Upon receipt of a zoning permit, a landowner may cut down and remove any tree which is an invasive species; dead; afflicted with a contagious disease, blight or infection or damaged as a result of natural causes such that it is unlikely to recover. Unless the condition necessitating cutting and removal is obvious to the Zoning Officer issuing the permit, the permit application shall be supported by an ISA certified arborist as a prerequisite to the permit issuance.

516.E. TREE CUTTING AND REMOVAL IN THE SMC ZONE.

In addition to the tree cutting and removal authorized in sub-sections 516.B, 516.C.1.A and 516.D; a landowner may, without obtaining a zoning permit, cut down and remove one tree which is 6 inches or more in diameter measured at a point 4.5 feet above ground level per calendar year per lot located in the SMC Zoning District. No further tree cutting shall be permitted on any such lot.

516.F. STATE AND MUNICIPAL RIGHTS-OF-WAY.

A landowner shall not cut down or remove any tree(s) located within a State or municipal right-of-way without first obtaining a Zoning Permit.

516.G. TREE AND DEBRIS REMOVAL.

Provided that the landowner is in compliance with this Section, and restoration work is performed to reasonably return a disturbed area to its prior condition; the removal of any tree and related debris, including tree stumps and roots, shall not be considered an "area of disturbance" for the purpose of determining whether an individual lot grading plan is required.

516.H. CONSTRUCTION-RELATED TREE CUTTING AND REMOVAL.

1. This sub-section shall apply only to tree removal performed in the course of site preparation for land development or when a zoning permit is issued for the construction of a building or other structure or use. The application of this sub-section shall not preclude tree cutting authorized by sub-sections A through G, above.

2. When a land development plan is approved, and the applicant has successfully completed the pre-construction conference with the LCCD and the Township; trees may be removed as part of the site preparation for land development limited to the following areas:

- A. Ten feet (10') on either side of any street right-of-way;
- B. Utility rights-of-way;
- C. Stormwater conveyance facilities, areas and/or easements;
- D. Ten feet (10') surrounding any stormwater basin;
- E. Parklands devoted to active recreation use as approved by the Township; and
- F. Any other area or improvement as approved by the Township on the plan.

3. When a zoning permit is issued for a building, structure or use, trees may be removed as part of lot development limited to the following areas:

- A. The "area of disturbance" as defined herein;
- B. Any space to be occupied by clear sight triangles as required by this Ordinance and the SALDO;
- C. Any space to be occupied by, and all space within ten (10) feet of, all sides of any drive-ways, access drives, parking area, on-lot water system or on-lot sewage disposal system or structures constituting permitted accessory uses; and
- D. Any feature listed in Section 516.H.1.A. - F.

4. Tree removal under sub-sections 1 and 2 above shall require a zoning permit. Prior to issuance of the permit and tree removal, the zoning officer shall conduct an inspection of the site to determine compliance with these subsections. In order to facilitate the inspection, all trees to be removed shall be marked in a manner that enables a clear determination of compliance with this Ordinance. Only those trees which are six (6) inches or more in diameter measured at a point four and one-half (4.5) feet above ground level need be marked. Only after inspection and upon issuance of the zoning permit, shall the applicant proceed with tree cutting.

5. The stockpiling, storage or disposal of materials which would pollute the watercourse or be injurious to human, animal or plant life, if released; shall not be permitted within the drip line areas of trees which are not to be removed. Examples of such materials include but are not limited to timber harvesting slash; herbicides; pesticides; domestic or industrial waste; petroleum or other flammable materials; explosives and radioactive and poisonous substances. In addition and with respect to areas within the drip line, no grading, storage or movement of tree cutting or other machinery shall be permitted that would result in soil compaction.

516.I. VIOLATIONS AND TREE REPLACEMENT STANDARDS.

1. Any landowner or other person who removes or destroys trees in excess of those permitted by this Section shall be subject to penalties for violation of this Ordinance as set forth in Article 9. In addition to the penalties set forth in Article 9, and where feasible, a landowner or other person who violates the requirements of this Section shall be subject to the tree replacement requirements set forth herein.

2. Upon a determination by the Zoning Officer that replacement is feasible such replacement shall be performed in accordance with the following minimum standards:

A. Replacement shall be done on a tree-for-tree basis as specified by the Zoning Officer;

B. Replacement trees shall be deciduous, noninvasive, native species, nursery stock grown within a locale with similar climatic conditions as found within the Township, well branched, and free of disease;

C. Replacement trees shall not be less than two (2) inches in diameter as measured four and one-half feet (4.5') above grade, shall be at least ten (10) feet tall after planting and trimming and shall have branching starting not less than six (6) feet from the top of the root ball and

D. Replacement trees may be placed on the lot at any location selected by the landowner subject to Zoning Officer approval and provided that the location does not violate any other provision of this Ordinance or State law.

3. Replacement trees shall not count as credits to meet other planting requirements of this Ordinance relative to street tree plantings or landscape buffer, unless the original trees would have satisfied such requirements. Any replacement trees that are to be counted as required screening shall comply with the standards listed in Section 321.D. of this Ordinance.

4. Any tree that is replaced pursuant to this Section shall be properly maintained, and any such tree that dies shall be promptly replaced in accordance with the specifications of this sub-section."

SECTION 3: PROTANTO REPEAL

Unless otherwise specifically stated in this Ordinance, all ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 4: EFFECTIVE DATE

This Ordinance shall become effective five (5) days after enactment by the Board of Supervisors of Upper Saucon Township.

SECTION 5: SAVINGS CLAUSE

To the extent that any word, portion or provision of the text hereof is found by any court of competent jurisdiction to be invalid or void on constitutional or other grounds, such word, phrase, portion or provision shall, if possible, be deemed to be repealed and those remaining valid portions of the text shall remain in full force and effect if same can be accomplished without the structure of the Ordinance having been destroyed by the elimination of that word, phrase, portion or provision found to be invalid or void.

DULY ENACTED AND ORDAINED this 13th day of October, 2014, by the Board of Supervisors of the Township of Upper Saucon, Lehigh County, Pennsylvania, in lawful session duly assembled.

**TOWNSHIP OF UPPER SAUCON
BOARD OF SUPERVISORS**

CHAIRMAN



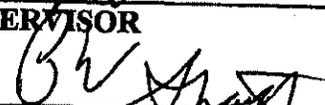
VICE CHAIRMAN



SUPERVISOR



SUPERVISOR



SUPERVISOR

ATTEST:



SECRETARY