

Chapter 444
TIMBER HARVESTING

GENERAL REFERENCES

Subdivision and land development — See Ch. 430. Zoning — See Ch. 490.

§ 444-1. Title.

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

§ 444-2. Enactment authority.

The Board of Supervisors enacts and ordains this chapter by the authority granted by Section 1529 of the Second Class Township Code (53 P.S. § 66529) and Section 601(a) of the Pennsylvania Clean Streams Law [35 P.S. § 691.601(a)].

§ 444-3. Purpose.

This purpose of this chapter is to:

- A. Recognize that forest management and tree harvesting is an important legitimate activity in the forested open space of Hellam Township, York County, Pennsylvania.
- B. Provide for the regulation of such activity to ensure:
 - (1) That long-term production of forest crops and benefits is encouraged.
 - (2) That the right to harvest trees is exercised with due regard for the protection of the physical property of adjacent landowners; and
 - (3) That the potential for negative environmental impacts resulting from improper tree harvesting is minimized.

§ 444-4. Intent.

It is the intent of this chapter to regulate timber harvesting practices and to allow for and encourage proper forest management within Hellam 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 this jurisdiction. It is not the intent of this chapter to regulate timber harvest for home use, noncommercial timber stand improvement work, or activity secondary and incidental to a permitted land use change.

§ 444-5. Definitions.

Unless the context specifically and clearly indicates otherwise, the meaning of the words used in this chapter shall be as follows:

BASAL AREA — The area in square feet per acre occupied by tree stems at 4.5 feet above the ground, normally measured by a calibrated prism or angle gauge.

BEST MANAGEMENT PRACTICES or **BMPs** — Work guidelines designed to minimize the impact of timber harvesting or earth disturbance activity on wetlands and water quality, as defined or specified in 25 Pa. Code, Chapter 102, or any successor legislation or regulations relating to erosion and sediment control.

BUFFER ZONE — An area of vegetation adjacent to both sides of a stream or surrounding wetland, which protects water quality from the impacts of nearby timber harvesting and earth-disturbing activities by slowing and spreading surface water flow, trapping and filtering out suspended sediment and providing shade and wildlife habitat.

EARTH DISTURBANCE ACTIVITY — A construction or other human activity that disturbs the surface of the land, including but not limited to timber harvesting activities.

ENFORCEMENT OFFICER — The person or entity designated by the Board of Supervisors to enforce this chapter. The individual or entity need not be specifically designated to enforce this chapter, but such designation may be done by general enforcement designation or appropriate state law.

FILTER STRIP — A buffer zone, as defined herein.

FLOOD — A general, but temporary condition of partial or complete inundation of normally dry land areas from the overflow of streams, rivers, or other waters of this commonwealth.

FLOODPLAIN or **FLOODPLAIN AREA** — An area of land adjacent to the channel of a stream or watercourse which has been or is likely to be flooded, or any area subject to the unusual and rapid accumulation of runoff of surface waters from the source.

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.

HYDRIC SOILS — Soils that are formed under conditions of saturation, flooding or ponding long enough during the growing season to develop anaerobic conditions in the upper part. They are generally wetland indicator soils and may support hydrophilic vegetation.

INTERMITTENT STREAM — A stream whose water flow normally occurs in the wetter parts of the year (October through April) or following major precipitation events.

LAND USE CHANGE — Conversion of forest land to uses such as residential, commercial, industrial, etc., where forest management

practices relative to timber production and harvesting are no longer practical.

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.

LOGS — Trees which have previously been cut down or have fallen down onto the ground.

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, corporation or other entity engaged in the harvest of timber including his/her agents, or subcontractors, or employees.

OWNER — The individual, partnership, company, firm, association, corporation, or other entity (including officers, agents, employees) who possesses legal, equitable or beneficial title to the real property upon which the harvesting of timber is taking place. The term "landowner" shall also have the same meaning.

PERENNIAL STREAM — A stream whose water flow normally occurs year-round.

PERMIT — Written permission, warrant, or license granted by a governmental authority.

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.

SHRUB — A woody plant, usually with multiple stems, each of which has a diameter at breast height of less than three inches, and which are generally less than 20 feet tall at maturity.

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

SLASH — Woody debris or other materials left in the woods after timber harvesting, including logs, chunks, bark, branches, uprooted stumps, and broken or uprooted trees or shrubs.

STAND PRESCRIPTION — The type of forest management treatment, if any, to be applied to a particular stand to achieve the stated management objectives. The stand prescription should include, but not be limited to, detailed instructions on how that treatment is to be carried out on the ground, the desired residual stand, and details on any other treatments to be applied.

STEEP SLOPE — A slope in which the percent slope equals or exceeds 25% or 15% when the associated soils have an erodibility coefficient of 0.32 or greater.

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 — The cutting down and removal of trees and logs to be converted to any forest product or for sale to others and limited only to those operations that involve total earth disturbance of 5,000 square feet or more. The terms "tree harvesting" or "logging" shall also have the same meaning. However, cutting of trees or logs for personal, noncommercial use by a landowner, or cutting of trees by Hellam Township, the Commonwealth of Pennsylvania, and public utility corporations or their designated contractor within public or utility rights-of-way shall not be considered timber harvesting.

TIMBER HARVESTING ACTIVITIES — Activities involving the construction of skid trails, logging roads, landing areas and other similar logging or silvicultural practices.

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

TREE — A perennial plant with at least one woody self-supporting main stem or trunk measuring at least three inches in diameter at breast height (DBH).

TROUT STREAM — Any cold water stream which supports a trout fishery that is managed, stocked, or regulated by the Pennsylvania Fish and Boat Commission.

ZONING ORDINANCE — The Zoning Ordinance of the Township of Hellam.¹

§ 444-6. Applicability.

The provisions and requirements of this chapter shall apply to all timber harvesting activities within the Township that are expected to exceed 5,000 square feet of earth disturbance, except that notification and submission of plans shall be required only as outlined in §§ 444-7 and 444-8.

1. Editor's Note: See Ch. 490, Zoning.

§ 444-7. Responsibility.

Each landowner shall develop and submit a copy of the logging plan required by § 444-8 to Hellam Township, and must obtain a permit from Hellam Township prior to commencing any timber harvesting activities. The permit must be posted conspicuously at the entrance to the timber harvesting site. Harvesting activities shall be strictly prohibited from commencing until such notice permit is issued. It shall be the joint and several responsibility of the landowner and the operator to see that the provisions of the logging plan are implemented and followed at all times. No timber harvesting shall occur until all governmental permits and approvals have been issued. Any bonding required by § 444-8D(3) or 444-8H shall also be posted prior to commencement of timber harvesting activities. The provisions and conditions of all logging plans, permits and governmental approvals must be followed throughout until conclusion of the timber harvesting operation.

§ 444-8. Regulations.

- A. A written logging plan shall be prepared by a person trained and experienced in erosion and sediment control methods and techniques for each timber harvesting operation that will result in a total earth disturbance of 5,000 square feet or more within the Township. The logging plan must be submitted to the Township and a permit issued as set forth in § 444-7 of this chapter prior to commencement of any aspect of the timber harvesting activities. The logging plan shall incorporate best management practices (BMPs) for erosion and sediment control.
- B. The logging plan shall include the following:
 - (1) A location map that shows the relationship of the project to Township boundaries and major highways.
 - (2) An erosion and sediment control plan, the contents of which shall be based on those given in the Erosion and Sediment Pollution Control Manual, Commonwealth of Pennsylvania, Department of Environmental Protection, No. 363-2134-008 (January 1996), as amended and updated.
- C. Such plan will address and comply with all applicable erosion and sedimentation control and stream crossing regulations under Title 25 of Pennsylvania Code, Chapter 102, Erosion Control Rules and Regulations, issued under Act of June 22, 1937 (Clean Streams Law), 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), as amended, or subsequent applicable legislation.
- D. Best management practices (BMPs) in accordance with the Erosion and Sediment Control Manual cited in Title 25 of PA Code, Chapter 102.11,

shall be followed. These shall include but are not limited to the following:

- (1) Skid trail, skid road, haul road and landing area design shall be consistent with best management practices (BMPs).
 - (2) Litter resulting from any logging operation shall be cleaned up and removed from the site before it is vacated by the operator.
 - (3) Landing and staging areas as well as haul and skid roads shall be restored and reseeded immediately after completion of harvesting activities which occur between March 15 and October 1 of each year. For activities which are completed between October 1 and March 15, restoration and reseeded shall commence as soon after March 15 as weather and climate permit. The Township reserves the right to require a bond or other security to guarantee restoration and reseeded.
- E. The plan will be available at the timber harvesting site at all times during harvesting operations and submitted upon request to any governmental official requesting the same.
- 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. General operational requirements: The following requirements shall govern all timber harvesting activity:
- (1) Felling or skidding on or across any public thoroughfare is prohibited without the express written consent of the municipality or the Pennsylvania Department of Transportation, whichever is responsible for maintenance of said thoroughfare.
 - (2) In addition to the restrictions found in § 490-22F(5) of Chapter 490, Zoning, no tops or slash shall be left within the filter strip along any streams designated as Type A or Type B streams in Chapter 490, Zoning, and Zoning Map.
 - (3) The name and location of all trout streams which cross the area to be logged must be clearly indicated on the logging plan map. In addition, because trout streams are a natural resource which need special protection, logging within 50 feet each side of streams is prohibited unless all of the following conditions are met:
 - (a) The basal area of trees in that area within the fifty-foot zone shall not be reduced below 50% of the basal area present before cutting or below 65 square feet per acre, whichever is higher; and
 - (b) Trees to be cut within the fifty-foot zone described shall be marked above and below stump height with tree marking paint prior to the start of logging.

- (4) The operator shall not permit excessive soils and debris resulting from timber harvesting operations to remain on any public road or street for greater than 24 hours.
 - (5) All activities must be in full compliance with the requirements of other applicable Hellam Township ordinances, including but not limited to all applicable provisions of Chapter 490, Zoning. Specific attention is directed to requirements and restrictions found in § 490-22.
- H. Responsibility for road damage; bonding. It shall be the joint and several responsibility of the landowner and the operator to repair any damage to any Township roads or state highway at the staging area and at the intersection with any haul road. The landowner and the operator may be required to furnish a bond or other financial security, in a form acceptable to the Township Solicitor and determined by the Township Engineer, to guarantee the repair of such damages, prior to the issuance of a permit.

§ 444-9. Enforcement.

- A. The enforcement officer designated by the Township may go upon the site of any tree 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 landowner or landowner's representative be contacted and invited to be present during the inspection.
- B. Any timber harvesting operation found to be proceeding without a logging plan as described in this chapter shall immediately cease operations and shall not resume until a plan is prepared and submitted to the Township enforcement officer for his/her approval.
- C. When any operator is found to be violating any provision of this chapter, the Township enforcement officer shall provide the operator and the landowner or landowner as representative with a written statement describing each violation and specifying a date by which corrective action must be taken.
- D. When the enforcement officer finds a condition in a logging operation to be causing an immediate environmental risk, he shall immediately order operations to cease, and contact the York County Conservation District and request enforcement of the rules and regulations referred to under this chapter York County Conservation District is responsible only for enforcement of Title 25, Chapter 102, regulations for erosion and sediment control.

§ 444-10. Violations and penalties.²

Any person who violates or permits a violation of this chapter shall, upon conviction in a summary proceeding brought before a Magisterial District Judge under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus all costs of prosecution, including, but not limited to, attorneys' fees, and in default of payment thereof, shall be imprisoned for a term not to exceed 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense.

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).