

## Chapter 220. Zoning

### Article III. General Provisions

#### § 220-58. Forestry uses.

[Amended 10-1-2008 by Ord. No. 2008-03; 6-19-2014 by Ord. No. 2014-05]

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

A. Timber harvesting plan requirements.

- (1) Every landowner on whose land timber harvesting is to occur shall obtain a building permit, as required by this chapter. In addition to the building permit requirements listed in § 220-148 of this chapter, the applicant shall prepare and submit a written timber harvesting plan in the form specified below. No timber harvesting shall occur until a building 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 building permit. All timber harvesting operations will be conducted only in accordance with this chapter and the approved timber harvesting plan.
  - (a) A forest regeneration plan that identifies the principal 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;
    - [3] Location of all earth disturbance activities, such as roads, landings and water-control measures and structures;
    - [4] Location of all wetlands and floodplains, as defined herein;
    - [5] Location of all crossings of waters of the commonwealth; and
    - [6] 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 § 220-58A of this chapter, provided that all information required by this section is included or attached.
- (f) Compliance with Township Stormwater Management Ordinance. The application must provide written evidence of compliance with Chapter 185 of the Code of the Township of East Cocalico.
- (g) Required marking of trees. At least 48 hours before any permitted timber harvesting operation begins, all trees that are at least six inches in diameter as measured 4 1/2 feet 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.
- (h) Required notifications.
  - [1] The holder of a permit to conduct a timber harvesting operation shall notify the Township in writing at least 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 48 hours of the completion date of the timber harvesting operation.
- (i) Required forest practices. The following requirements shall apply to all timber harvesting operations:
  - [1] 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.
  - [2] No treetops or slash shall be left within 50 feet of any public street, private roadway providing access to any adjoining residential property or R-1, R-2, R-3, MHP, VO and MR Zones, adjoining property or designated trail; or within 10 feet of any natural or artificial swale or drainage ditch. All treetops and slash shall be lopped to a maximum height of four feet above the ground.

- [3] 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.
- [4] Littering is prohibited, and litter resulting from a timber harvesting operation shall be removed from the site on a daily basis.
- [5] 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.
- [6] Roads and trails shall be constructed, maintained and abandoned in such manner as to prevent soil erosion and permanent damage to soil and waterways.
- [7] Roads and trails shall be only wide enough to accommodate the type of equipment used, and grades shall be kept as low as possible.
- [8] 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.
- [9] Skidding across live or intermittent streams is prohibited except over bridges or culverts.
- [10] 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**

<b>Use</b>	<b>Required Minimum Setback (feet)</b>
Adjoining street except as noted below for scenic roads	50
Adjoining property	50
Streams or other watercourses	50
Designated trails	25
Springs, vernal ponds, seeps, natural or artificial swales or drainage ditches	25

- [11] 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.
- [12] All limbs and stubs shall be removed from felled trees prior to skidding.
- [13] All trees bent or held down by felled trees shall be released promptly.
- [14] No trees shall be left lodged in the process of felling, with as little damage as possible to the remaining trees.

- [15] 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.
  - [16] The stumps of all felled trees shall be permitted to remain for soil for stabilization, provided that they extend no more than two feet above grade.
  - [17] During the periods of abnormal forest fire danger, the Township shall have the right to order a suspension of timber harvesting operations until the danger subsides.
  - [18] 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.
- (j) 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.
- (k) 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 ensure and require compliance with the plans for said operation as finally approved and all of the terms and provisions of this chapter.