

Township of Pine, PA  
Monday, February 22, 2021

## Chapter 84. Zoning

### Article V. Regulations for Specified and Conditional Uses

#### § 84-51. Forestry.

Forestry and logging in the Township shall be subject to the following requirements:

- A. The objective of this section is to regulate the logging and timber-harvesting operations (a permitted use in all zoning districts) within the Township of Pine to:
- (1) Preserve the community development objectives set forth in this chapter;
  - (2) Preserve environmental and economic benefits associated with proper forest management;
  - (3) Promote proper forest stewardship;
  - (4) Protect the rights of adjoining property owners; minimize the potential for adverse environmental impacts associated with any logging or timber harvesting operation; and
  - (5) Avoid unreasonable and unnecessary restrictions on the right of property owners to log or harvest timber (which activity is a permitted use in all zoning districts).
- B. Permit required, notification, insurance and surety.
- (1) When a property owner wishes to conduct or permit to be conducted a logging or timber-harvesting operation on his property, such owner shall obtain a logging permit from the Township of Pine. The fee schedule for logging and timber harvesting permits shall be as indicated in the current Township Fee Schedule.<sup>[1]</sup>

[1] *Editor's Note: See Ch. A144, Fees.*
  - (2) Logging and timber harvesting permit shall not be required, and this section shall not apply to:
    - (a) Work performed on clearing subdivision roads and rights-of-way approved by the Board of Supervisors of the Township.
    - (b) Individual lots affected by the logging operation of less than one acre in size, provided that the entire logging or timber-harvesting operation does not exceed a total of one acre.
  - (3) The Township of Pine shall be notified in writing before any logging or timber-harvesting operation begins so that the Township may determine if other Township permits or approvals are required for the particular operation. Should a logging and timber harvesting permit be required for the particular operation, the Township shall be notified at the following times:

- (a) Five business days prior to starting the operation.
  - (b) Three business days prior to terminating the operation.
  - (4) Before the issuance of a permit, the applicant shall show proof that the logging operator has general liability insurance in an amount no less than \$1,000,000, automobile liability insurance in an amount no less than \$500,000, and property damage liability insurance in an amount no less than \$100,000, all in favor of the Township and the property owner.
  - (5) Before the issuance of a permit, the applicant shall show proof that the logging operator has worker's compensation insurance.
  - (6) To insure compliance by the applicant with the requirements set forth in this article, a cash bond, irrevocable letter of credit, or other security acceptable to the Township shall be submitted; the amount of such security shall be no less than \$1,000. The Township, only after the affirmative recommendation of or site inspection reports filed by the Code Enforcement Officer, shall release said security upon the completion the logging or timber-harvesting operation.
- C. Submission requirements for permit application. The logging and timber harvesting application shall be filed with the Township and shall contain the following:
- (1) A narrative containing the following information:
    - (a) Purpose of the proposed operation.
    - (b) Total land area involved in the proposed logging operation.
    - (c) Total number of trees selected for harvesting.
    - (d) Reforestation narrative outlining the revegetation of the landing area, skid trails, and harvest area.
    - (e) A chart indicating the quantity of trees, the ranges (DBH) and species of the trees selected for harvesting.
    - (f) Stormwater control measures to be utilized.
    - (g) Stream crossings and wetland protection measures to be utilized.
    - (h) A statement confirming that each tree to be removed has been designated by the Consulting or State Forester, with paint or other distinctive means, at two points so as to be readily visible by the logger. One point shall be low enough on the tree so as to be visible on the stump after the tree is removed.
    - (i) A statement certifying the written notification to each adjacent property owner of the proposed logging or timber-harvesting operation and provide them with a copy of the application for the logging or timber-harvesting permit. A copy of such notification letter shall be included in the applicant's submission.
  - (2) A legibly drawn site plan containing the following information and drawn to the following specifications:
    - (a) Be drawn to a scale not to exceed one inch equals 100 feet.
    - (b) Be drawn on a sheet size not to exceed 30 inches by 40 inches. A copy of the site plan shall also be provided in digital format (.TIF format on CD-ROM).

- (c) Be prepared in accordance with standard architectural and engineering practices.
  - (d) Be sealed by engineer(s) and/or surveyor(s) of record.
  - (e) The name(s) and address(es) of the landowner and adjacent property owners.
  - (f) Contain a vicinity map, which shows the property(s) proposed for timber harvesting as shown on a current Township map. The vicinity map shall identify all adjacent properties and property owners surrounding the proposed logging operation.
  - (g) The boundary of the site to be logged as indicated by a heavy line with length of course in feet.
  - (h) The location and names of streets and roads adjacent to the proposed logging operation.
  - (i) Utility rights-of-way and/or easements.
  - (j) The existing watercourses, floodplains, woodlands, and wetlands.
  - (k) The required fifty-foot buffer along any logging area, landing site, public road, adjacent property, streams, wetlands, and floodplains.
  - (l) Marked and numerically identified all tree locations within one meter of accuracy.
  - (m) Topography of the property, including all slopes of 25% or greater and slide-prone soil areas.
  - (n) Earth disturbance locations, including skid trails and landing areas.
- (3) A narrative, including a copy of all commonwealth permits, indicating that the logging operator shall address and comply with the requirements of all applicable commonwealth laws and regulations, including, but not limited to, the following:
- (a) Erosion and Sedimentation Control Regulations, 25 Pennsylvania Code, Chapter 102, promulgated pursuant to the Clean Streams Law (35 P.S. § 691.1 et seq.);
  - (b) Stream crossings and wetland protection regulations issued pursuant to the Stormwater Management Act (32 P.S. § 680.1 et seq.); and
  - (c) Stormwater management plans and regulations issued pursuant to the Stormwater Management Act (32 P.S. § 680.1 et seq.).

**D. Logging operation practices and regulations.**

- (1) On any logging or timber harvesting operation, at least 30% of the forest cover (canopy) shall be preserved and such shall be well distributed over the entire site. The preserved canopy shall be composed of trees of a higher value species.
- (2) No logging operation or removal of products shall take place between the hours of 7:00 p.m. and 8:00 a.m. or any time on Sundays or legal holidays.
- (3) As directed by the Township, a soils engineer registered to practice in the Commonwealth of Pennsylvania shall monitor all forest activities occurring on or affecting landslide prone soils or steep slopes.

- (4) Any logging operation in existence at the time of the enactment of this article may continue without interruption, provided that application is made within 30 days of said enactment for a logging permit under the provisions of this article and that such permit is granted.
- (5) The maximum term of any permit issued pursuant to this article shall be for four months. However, since the logging operation may be adversely affected or delayed by unusual circumstances of weather or other occurrences, one additional four-month extension, after payment of a renewal fee equal to the initial permit fee, may be granted by the Township. Any additional extensions shall require application to the Board of Supervisors of the Township of Pine.
- (6) Trees selected for harvesting shall be marked at two distinctive locations thereon. The higher of the two marks shall be provided around the entire circumference of the tree. The lower mark must be visible on the stump after the tree is removed.
- (7) A fifty-foot buffer zone, within which no logging or timber-harvesting shall occur, shall be required between the boundary of any logging area or landing area and any public road or the boundary of any adjoining property.
- (8) No logging operation shall be permitted on slopes greater than 25%.
- (9) No logging or timber harvesting operation shall be permitted within a floodway or floodplain.
- (10) Trees falling on adjacent properties as a result of a logging or timber harvesting operation shall immediately be returned to the landowner's property, who shall be responsible for any damage, cost, or restoration to the affected adjacent property.
- (11) The Township of Pine shall have authority to order the suspension of any logging or timber harvesting operation if, in the Township's opinion, conditions created by the spring thaw, adverse weather, or any other cause makes soil erosion likely.
- (12) Felling or skidding on or across any public road or right-of-way is prohibited without the express written consent of the Township of Pine or the Pennsylvania Department of Transportation, whichever is responsible for maintenance of such public road or right-of-way.
- (13) Waste material shall be buried or removed to a point out of sight of any public road or adjacent property. No tops or slash shall be left within 50 feet of any public road, adjacent property, or private roadway providing access to adjoining residential property.
- (14) No tops or slash shall be left on or across the boundary of any property adjoining the logging or timber harvesting operation without the written consent of the owner thereof.
- (15) The Township of Pine may require that, prior to completion of the logging or timber harvesting operation, a written report be filed with it by the Consulting or State Forester indicating what measures should be taken in order to properly restore the property.
- (16) All litter resulting from a logging or timber-harvesting operation shall be removed from the site before the operator vacates it.
- (17) No tops or slash shall be left in a floodway or floodplain.
- (18) Upon completion of the logging or timber harvesting operation, all disturbed areas, including, but not limited to, the landing area(s), and skid trails shall be revegetated

pursuant to the erosion and sedimentation control plans and the stormwater management plans as approved by the Commonwealth of Pennsylvania's Department of Environmental Protection.

E. Road maintenance, protection and bonding.

- (1) The Township of Pine shall have the authority to suspend any logging or timber harvesting operation should the Township determine that conditions of the logging or timber harvesting operation will cause or make likely damage to a Township-maintained roadway.
- (2) The permittee, logging operator, or a designated representative shall provide an additional bond or other security, in an amount and manner acceptable to the Township Engineer and Township Solicitor, whenever a Township-maintained roadway is utilized to access the logging or timber harvesting operation.
- (3) The repair of roads, bridges and culverts damaged as a result of a logging or timber harvesting operation shall be repaired to the satisfaction of the Township Engineer.
- (4) The permittee, logging operator, or a designated representative shall not create a new or utilize an existing access onto a state-maintained roadway without first showing proof that the access is permitted by the Commonwealth of Pennsylvania's Department of Transportation.
- (5) The permittee, logging operator, or a designated representative shall not create a new or utilize an existing access onto a Township-maintained roadway without first obtaining permission from the Township for utilizing said access.
- (6) Any disturbance along a Township-maintained roadway to create a new or improve upon an existing access shall be reconstructed back into its original condition as it was prior to the commencement of the logging or timber harvesting operation.

F. Waivers and enforcement.

- (1) The Board of Supervisors of the Township of Pine shall have the right to waive any requirements or this article, except the requirement to notify adjacent property owners. The Board of Supervisors shall also have the right to add any additional conditions, including additional bonding or other security for the actual restoration of damaged roads, deemed necessary to protect the health, welfare, and safety of the residents of the Township of Pine.
- (2) The Township's Zoning Officer (or equivalent otherwise titled Township official), or his/her designee, shall be the enforcement officer for this article.
- (3) The Township's Zoning Officer (or equivalent otherwise titled Township official), or his/her designee, may enter the site of any logging or timber harvesting operation before, during, or after active logging to:
  - (a) Review the logging plan or any other required documents for compliance with this article; and
  - (b) Inspect the operation for compliance with the logging plan and other on-site requirements of these regulations.

G. Violations, penalties and remedies.

- (1) Enforcement remedies.

- (a) Upon finding that a timber harvesting operation is in violation of any provision of the article, the Township of Pine shall issue the logging operator and the landowner a written notice of violation, in accordance with the provisions of this chapter regarding enforcement notices, describing each violation and specifying a date by which corrective action must be taken.
  - (b) The Township of Pine may order the immediate suspension of any logging or timber-harvesting operation and may institute any appropriate action to prevent, restrain, correct, or abate the violation of this article (as permitted by 53 P.S. § 10617) upon finding that (1) corrective action has not been taken by the date specified in a notice of violation; (2) the operation is proceeding without a logging plan; or (3) the operation is causing an immediate environmental risk.
  - (c) Suspension orders shall be in writing, shall be issued to the logging operator and the landowner, and shall remain in effect until the logging operation is brought into compliance with this article or other applicable statutes or regulations.
- (2) Penalties.
- (a) Any logging operator or landowner who violates any provision of this section; refuses to allow a Township enforcement officer access to a harvest site pursuant to this section; or who fails to comply with a notice of violation or suspension order issued pursuant to this section is guilty of a summary offense and upon conviction shall be subject to a fine of not more than \$500, plus all court costs, for each separate offense.
  - (b) Each day of continued violation of any provision of this section shall constitute a separate offense.