

Willig, Robert A.

From: [REDACTED]
Sent: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: Re: [EXTERNAL [REDACTED] timber harvest ordinance Long Branch Boro Washington Co., PA
Attachments: Long Branch Boro timber harvesting ordinance 08032021.pdf

Dear Mr. Willig:

Thank you for your prompt response. Attached is the Long Branch Borough Timber Harvest Ordinance No. 98-2. I am asking for your assistance in this matter and that you please review this ordinance for relief under the ACRE LAW. Below are some of our grievances with the ordinance and how it violates state law:

Section 5. Notification; Preparation of a Logging Plan items A. and B. (pages 5-6)

- Requiring a landowner to notify the Borough Code Enforcement Officer pre and post harvest is excessive, burdensome and unwarranted especially when the Code Enforcement Officer is ignorant, rude and unprofessional. With regards to timber harvesting the Long Branch Borough Council and Code Enforcement Officer has no authority or expertise in timber harvesting, logging, forestry, silviculture, etc. to approve or disapprove a timber harvesting plan since timber harvesting is use as of right in all zoning districts. Furthermore having to appear before Council and secure a permit changes timber harvesting operations from a permitted use by right to a conditional use which is prohibited in the Municipal Planning Code (MPC). The imposition of securing a timber harvesting permit based upon conditions is prohibited in the MPC since timber harvesting is a use of right in every zoning district and municipality.

Section 6. Contents of the Logging Plan (page 6-7)

- The Borough is mandating a logging plan, a logging plan fee and the timber operator appear at a public meeting to present the plan before Council in order for Council to act upon the plan. With regards to timber harvesting the Long Branch Borough Council and Code Enforcement Officer has no authority or expertise in timber harvesting, logging, forestry, silviculture, etc. to approve or disapprove a timber harvesting plan since timber harvesting is use as of right in all zoning districts. This mandate is excessive, burdensome, unreasonable and not standard operating procedures in the industry and therefore violate state law by unreasonably restricting forestry activities.

Section 7. Forest Practices items B. and C. (page 9)

- These sections are mandating and requiring how tree tops and logging slash are to be handled. These mandates are unreasonable, are not standard operating procedures in the industry and therefore violate state law by unreasonably restricting forestry activities.

Section 8. Responsibility for Road Maintenance and Repair: Road Bonding (page10)

- The Borough is mandated by the Pennsylvania Department of Transportation and is only entitled to impose road bonding requirements predetermined by the PADOT. It is a violation of state law to arbitrarily impose road use fee(s) and maintenance agreements. Furthermore for any township or municipality to post weight limits on public roads and request a bond for using the roads the township must upon request furnish an engineered road study depicting the road integrity and shall have the road properly posted with signs.

Section 9. Enforcement items B. and C. (page 10)

- This section as written essentially gives the Code Enforcement Officer whom has no expertise in timber harvesting operations carte blanche to any private property with a timber harvesting operation and impose, sanction, suspend, etc. the logging operation. This violates state law by unreasonably restricting forestry activities.

Thank you for your time and consideration. Please feel free to contact me on my cell phone at

[REDACTED]

Sincerely, [REDACTED]

[REDACTED]