

Exhibit A

Upper Makefiled Township Forestry Ordinance

Section 803 A.

A-3. Forestry.

1. Policy; Purpose. In order to preserve forests and the environmental and economic benefits they provide, it is the policy of the Participating Municipalities to encourage the owners of forest land to continue to use their land for forestry purposes, including the long-term production of timber, recreation, wildlife and amenity values. The forestry regulations contained herein are intended to further this policy by (1) promoting good forest stewardship; (2) protecting the rights of adjoining property owners; (3) minimizing the potential for adverse environmental impacts; and (4) avoiding unreasonable and unnecessary restrictions on the right to practice forestry.

2. Scope; Applicability. A zoning permit shall be required for all forestry activities, however, an individual property owner need not obtain a permit to cut a tree or trees as part of normal home maintenance and upkeep, and the following activities are specifically exempted from the permit requirement:

a. Removal or diseased or dead trees.

b. Removal of trees which are in such a condition or physical position as to constitute a danger to the structures or occupants of properties or a public right-of-way.

c. Removal of up to five trees per single acre of woodlands per year which are 12 inches or more in diameter, measured at a point four feet above grade, and not covered by the exemptions in the foregoing two subsections.

d. When a building permit is issued for a building, structure or use, the permittee may cut down any trees which exist in the space to be occupied by such building, structure or use, or within 30 feet of such building, structure or use, and all space within 10 feet of all sides of any utility line, stormwater conveyance or detention structure, driveway, parking area, water system or sewage disposal system, or permitted accessory uses.

e. Pulp farming, in checkerboard fashion not to exceed 50% of the total area of the forest on the lot. The areas cut shall be reforested.

f. Christmas tree farming.

g. Orchard operations.

h. Removal of Nursery Stock.

3. Definitions. As used herein, the following terms shall have the meanings given them in this Section.

a. "Clear cutting" means the removal and cutting of an entire timber stand.

b. "Felling" means the act of cutting a standing tree so that it falls to the ground.

c. "Forestry" means the management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development. Clear cutting or selective cutting of forest lands for a land use change are excluded from this definition.

d. "Landing" means a place where logs, pulpwood or firewood are assembled for transportation to processing facilities.

e. "Litter" means discarded items not naturally occurring on the site such as tires, oil cans, equipment parts and other rubbish.

f. "Lop" means to cut tops and slash into smaller pieces to allow the material to settle close to the ground.

g. "Operator" means an individual, partnership, company, firm, association or corporation engaged in forestry activities, including the agents, subcontractors and employees thereof.

h. "Landowner" means an individual, partnership, company, firm, association or corporation that is in actual control of forest land, whether such control is based on legal or equitable title, or on any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner, and any agents thereof acting on their behalf, such as forestry consultants, who set up and administer forestry activities.

i. "Precommercial timber stand improvement" means a forest practice, such as thinning or pruning, which results in better growth, structure, species composition, or health for the residual stand but which does not yield a net income to the landowner, usually because any trees cut are of poor quality, too small or otherwise of limited marketability or value.

j. "Skidding" means dragging trees on the ground from the stump to the landing by any means.

k. "Slash" means woody debris left in the woods after logging, including logs, chunks, bark, shavings, woodchips, branches, uprooted stumps and broken or uprooted trees or shrubs. Stumps shall be cut to within six inches of the ground.

l. "Stand" means any area of forest vegetation whose site conditions, past history and current species composition are sufficiently uniform to be managed as a unit.

m. "Stream" means any natural or artificial channel of conveyance for surface water with an annual or intermittent flow within a defined bed and banks.

n. "Timber harvesting, Tree harvesting or Logging" means the processing of cutting down trees and removing logs from the forest for the primary purpose of sale or commercial processing into wood products.

o. "Top" means the upper portion of a felled tree that is unmerchantable because of small size, taper or defect.

4. Permit; Preparation of a Forestry/Logging Plan.

a. Permit. All forestry operations shall require a zoning permit from the Township and shall meet all requirements of subsections four and five of this Article before issuance of the permit.

b. Notification of Commencement or Completion. For all forestry operations the landowner shall notify the Township Enforcement Officer at least 10 business days before the operation commences and within five business days before the operation is complete. The landowner whose land is to be harvested shall provide at least fourteen days' written notice to all property owners within 500 feet of the site of the harvest. No forestry operations shall occur until the notices have been provided. Notification shall be in writing and shall specify the land on which harvesting will occur, the expected size of the harvest area, and, as applicable, the anticipated starting and/or completion dates of the operation.

c. Logging Plan. Every landowner on whose land forestry operations is to occur shall prepare a written logging plan in the form specified by this Ordinance. No forestry operation shall occur until the plan has been prepared. The provisions of the plan shall be followed throughout the operation. The plan shall be available at the harvest site at all times during the operation and shall be provided to the Township Enforcement Officer upon request.

d. Responsibility for Compliance. The landowner and the operator shall be jointly and severally responsible for complying with the terms of the logging plan.

5. Contents of the Forestry/Logging Plan.

a. Minimum Requirements. As a minimum, the logging plan shall include the following:

(1) Design, construction, maintenance and retirement of the access system, including haul roads, skid roads, skid trails and landing;

(2) Design, construction and maintenance of water control measures and structures such as culverts, broad-based dips, filter strips and water bars;

(3) Design, construction and maintenance of stream and wetland crossings;

(4) The Forestry Management Plan must provide for a selective cut which will maintain the diversity of species, age and height of the forest with emphasis on the preservation of endangered native tree species.

(5) Copies of all required permits shall be submitted as an appendix to the plan;

(6) Proof of current general liability and/or worker's compensation insurance;

(7) Proof of PennDOT Highway Occupancy Permit or Township Driveway Permit for temporary access, as applicable;

(8) Copy of Bucks County Conservation District "Letter of Adequacy" for the proposed erosion control facilities, including associated plans, reports and other permits as required.

b. Map. Each forestry/logging plan shall include a site map containing the following information:

(1) Site location and boundaries, including both the boundaries of the property on which the forestry 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 crossing 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. Compliance with State Law. The forestry/logging plan shall address and comply with requirements of all applicable state laws and regulations including, but not limited to, the following:

(1) Erosion and sedimentation control regulations contained in 25 Pa.Code, Chapter 102, promulgated pursuant to the Clean Streams Law, 35 P.S. § 691.1 et seq.;

(2) Stream crossing and wetlands protection regulations contained in 25 Pa.Code, Chapter 105, promulgated pursuant to the Dam Safety and Encroachments Act, 32 P.S. § 693.1 et seq.; and

(3) Stormwater management plans and regulations issued pursuant to the Storm Water Management Act, 32 P.S. § 680.1 et seq.

d. Compliance with Federal Law/Regulations. The forestry/logging plan shall address and comply with the requirements of all applicable federal laws and regulations including, but not limited to, the Best Management Practices (BMPs) as set forth at 33 CFR 323.4(a)(6)(i-xv).

e. Compliance with County and Township Regulations and Ordinances. The forestry logging plan shall verify compliance with the applicable Township's Stormwater Management Ordinance, as

well as all erosion and sediment control measures set forth in the Ordinances of the Township as well as erosion and sediment control requirements of the Bucks County Conservation District.

6. Forestry Practices. The following requirements shall apply to all forestry operations in the applicable Township.

a. Felling or skidding on or across any public thoroughfare is prohibited without the express written consent of the Township or the Pennsylvania Department of Transportation, whichever is responsible for maintenance of the thoroughfare.

b. No harvest area shall be located within 50 feet of a property line, or within 50 feet of a public or private road other than a driveway owned and used exclusively by the owner of the property on which the harvest will be conducted.

c. No tops, slash, or woodchips shall be left within 25 feet of any public thoroughfare or private roadway providing access to adjoining residential property.

d. All tops, slash, and woodchips between 25 feet and 50 feet from a public roadway or private roadway providing access to adjoining residential property or within 50 feet of adjoining residential property shall be lopped to a maximum height of four feet above the surface of the ground.

e. No tops, slash, or woodchips shall be left on or across the boundary of any property adjoining the operation without the consent of the owner thereof.

f. Litter resulting from a forestry operation shall be removed from the site before it is vacated by the operator.

g. Any soil, stones and/or debris carried onto public roadways must be removed immediately.

h. No forestry/logging use shall be permitted within areas with slopes of 8% or greater.

i. When the harvest is completed, both dirt roads used by the trucks and skid roads used to drag the logs from the woods to the loading area must be graded approximately to original contours, and be seeded and mulched as necessary to establish stable groundcover.

j. Clear cutting of woodlands as defined by this Ordinance shall be prohibited.

7. Financial security shall be established in a manner acceptable to the applicable Township to guarantee repair of all damage that may occur to public streets due to the forestry/logging operations, and to guarantee compliance with erosion and sedimentation control plans, compliance with stormwater management plans and restoration of the site upon completion of logging operations. Pursuant to 67 Pa.Code, Chapter 189, the applicable Township may also require the landowner or operator to furnish a bond to guarantee the repair of such roads.

8. Enforcement.

a. Inspections. The applicable Township Enforcement Officer may go upon the site of any timber harvesting operation before, during or after active logging to: (1) review the logging plan or any other required documents for compliance with this Ordinance; and (2) inspect the operation for compliance with the logging plan and other on-site requirements of this Ordinance.

b. Violation Notices, Penalties. Upon finding that a forestry operation is in violation of any provisions of this Ordinance, or is operating without a permit as required by this Ordinance, the Township shall issue the operator and the landowner an enforcement notice in accordance with § 616.1 of the Pennsylvania Municipalities Planning Code, 53 P.S. 10616.1, as amended. Any landowner or operator who violates any provision of this Ordinance shall be subject to a fine in accordance with § 1700.E. of this Ordinance.