

**REILLY TOWNSHIP
SCHUYLKILL COUNTY, PENNSYLVANIA**

ORDINANCE NO. _____ - 2022

*Proposed
Ordinance*

FORESTRY AND TIMBERING ORDINANCE

AN ORDINANCE OF THE TOWNSHIP OF REILLY, SCHUYLKILL COUNTY, PENNSYLVANIA, ESTABLISHING A PERMIT REQUIREMENT FOR AND REGULATING CERTAIN SPECIFIC CONDUCT, CONDITIONS, AND ACTIVITIES REGARDING FORESTRY AND TIMBERING AND FOR THE PROTECTION OF NATURAL RESOURCES WITHIN THE TOWNSHIP

WHEREAS, the Township of Reilly, Schuylkill County, is a Township of the Second Class, and exercising the powers conferred upon it by the Second Class Township Code, Act of May 1, 1933, P.L. 103, No. 69, as reenacted and amended Nov. 9, 1995, P.L. 350, No. 60, 53 P.S. Chapter 141, §65102, *et seq.*;

WHEREAS, the Second Class Township Code, 53 P.S. § 66506, provides that: "The board of supervisors may make and adopt any ordinances, bylaws, rules and regulations not inconsistent with or restrained by the Constitution and laws of this Commonwealth necessary for the proper management, care and control of the township and its finances and the maintenance of peace, good government, health and welfare of the township and its citizens, trade, commerce and manufacturers.";

WHEREAS, section 603 of the Municipalities Planning Code, 53 P.S. §10603 provides that zoning ordinances may not unreasonably restrict forestry activities;

WHEREAS, section 103(A)(3) of the Schuylkill County Zoning Ordinance exempts forestry and timber harvesting and the County Zoning Ordinance does not apply to such activities;

WHEREAS, the Municipalities Planning Code confers upon municipalities the power to enact zoning ordinances and Article VI, section 602 of the Municipalities Planning Code provides "The enactment of a zoning ordinance by any municipality, other than the county, whose land is subject to county zoning shall act as a repeal protanto [sic] of the county zoning ordinance within the municipality adopting such ordinance";

WHEREAS, the Board of Supervisors of the Township of Reilly has determined to exercise its powers under the Second Class Township Code and the Municipalities Planning Code to establish reasonable standards for forestry activities within the Township;

WHEREAS, the Board of Supervisors of the Township of Reilly is under a duty imposed by the Pennsylvania Constitution, Article I, section 27 to preserve, protect, and defend the people's right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment, and to conserve and maintain public natural resources within the Township;

WHEREAS, the 2020 Pennsylvania Forest Action Plan prepared by the Pa. Department of Conservation and Natural Resources Bureau of Forestry has identified the following threats to the Commonwealth's forests:

- Poor harvesting practices
- Competing and conflicting forest uses
- Fragmentation
- Parcelization from changing ownership dynamics
- Barriers to 3rd party certification to ensure sustainable management on private land
- Forest product market variability
- Water quality impacts from loss of forests or poor forest management practices
- Landowner reluctance to seek professional assistance.

WHEREAS, improper timbering and forestry activities can have adverse impacts on public health, safety, and welfare and cause environmental and ecological harm and can impair the long-term sustainability of forests

WHEREAS, the Board of Supervisors has determined that it is in the public interest and serves the health, safety, and welfare of Township residents to reasonably regulate and control timbering and forestry practices;

NOW THEREFORE, be it enacted and ordained by the Supervisors of the Township of Reilly, Schuylkill County, Pennsylvania, as follows:

ARTICLE I : PURPOSE AND INTENT

1. In order to conserve forested open space and the environmental and economic benefits they provide, it is the policy of the Township of Reilly to encourage the owners of forest land to sustainably and responsibly use their land for forestry purposes, including the long-term production of timber, recreation, wildlife and amenity values. The timber harvesting regulations contained in Article IV through Article VI are intended to further this policy by promoting good forest stewardship; protecting the rights of adjoining property owners; minimizing the potential for adverse environmental impacts; and avoiding unreasonable restrictions on the right to practice forestry.

2. It is the purpose of this Ordinance to provide for the regulation of tree harvesting practices and to allow for and encourage proper forest management within the Township in order to ensure:

a. That the right to harvest trees is exercised with due regard for the protection of the physical property and safety of adjacent landowners;

b. That the potential for negative environmental impacts resulting from improper tree harvesting is minimized;

c. That the conditions outlined and required by Pennsylvania Department of Environmental Protection Regulation 25 Pa. Code 105.18a pertaining to permitted activities in wetlands and promulgated and enacted thereunder are properly adhered to and all Federal, State, and local regulations are complied with;

d. That soil conservation and erosion controls be implemented and that an erosion and sedimentation control plan for timber harvesting operations as prescribed by the Commonwealth of Pennsylvania, the Department of Environmental Protection, the Department of Conservation and Natural Resources (DCNR) and Natural Resource Conservation Service (NRCS) be submitted to the Township. The Township may forward the plan to the Schuylkill Conservation District for its review, comment, and compliance with applicable regulations.

3. It is the purpose of this Ordinance to comply with the duty of the Board of Supervisors of the Township imposed by the Pennsylvania Constitution, Article I, section 27 to preserve, protect, and defend the people's right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment, and to conserve and maintain public natural resources within the Township.

ARTICLE II: SCOPE AND APPLICABILITY

1. To encourage maintenance and management of forested or wooded open space and promote the conduct of forestry as a sound and economically viable use of forested land throughout the Township. Forestry activities, including timber harvesting, shall be a permitted use by right throughout the Township.
2. This Ordinance shall apply to all timber harvesting within the Township as set forth herein, except that these provisions do not apply to the cutting of trees for the personal and non-commercial use of the landowner.
3. The Board of Supervisors may grant an exception to one or more provisions of this Ordinance upon a finding that the provision as applied to a specific case would be unduly burdensome or unreasonable.

ARTICLE III: DEFINITIONS

As used in this Ordinance, the following terms shall have the meanings given to them in this Article.

BASAL AREA - the cross sectional area of trees calculated in square feet as measured at the DBH (diameter at breast height) and as computed in accordance with Appendix A of this Ordinance.

BMPs OR BEST MANAGEMENT PRACTICES - Standards or guidelines for proper conduct of forestry operations. BMPs are recommended for sustaining forested land, maintaining water quality, and for controlling soil erosion during timber harvesting. BMPs as referred to in this ordinance shall be those required by state law, those set forth in the Pa. DEP *Timber Harvest Operations Field Guide for Waterways, Wetlands and Erosion Control*, or which are set forth in the Penn State University College of Agricultural Sciences, *Best Management Practices for Pennsylvania Forests* as applicable to the specific activities proposed. In the event of any conflict between them, the most restrictive shall apply.

BUMPER TREE - Poor quality, low-value tree that grows in close proximity to higher value trees. Skid roads should be located next to bumper trees in order to protect residual trees from damage during a harvest operation.

CLEAR CUT - the felling of substantially all trees on a tract of land, or portion thereof.

COMMERCIAL FORESTRY - Forestry operations involving the cutting down of 10 or more Merchantable Trees with a total value of One thousand Dollars (\$1,000.00) on any contiguous woodlot per year.

CONSERVATION PRACTICE STANDARD ("CPS") - Conservation practice standard promulgated by the National Resources Conservation Service as applicable to the Timber Harvesting, Tree Harvesting, or Logging activities subject to this Ordinance. Such CPSs may include but are not limited to: Forest Trails and Landings (Code 655), Access Road (Code 560), Critical Area Planting (Code 342), Firebreak (Code 394), Forest Stand Improvement (Code 666), Fuel Break (Code 383), Mulching (Code 484), Stream Crossing (Code 578), Structure for Water Control (Code 587), Tree/Shrub Pruning (Code 660), Upland

Wildlife Habitat Management (Code 645), and Woody Residue Treatment (Code 384). The standards are publicly available at <https://www.nrcs.usda.gov/wps/portal/nrcs/detailfull/national/technical/cp/ncps/>

DBH - the diameter of a tree at breast height, outside the bark, measured 4 1/2 feet from the ground surface.

FELLING - The act of cutting a standing tree so that it falls to the ground.

FORESTRY - The management of forests and timberlands when practiced in accordance with accepted silviculture principles through developing, cultivating, harvesting, transporting and selling trees for commercial purposes which do not include land development.

HARVESTING PLAN - a written description with a map of a specific harvesting operation, prepared before the operation commences.

HAUL ROAD - constructed for equipment access to and from a public road to the areas of a timber harvesting operation.

INTERMITTENT STREAM - a stream whose water flow normally occurs in wetter parts of the year or following major storm events.

LANDING - A place where logs, pulpwood, or firewood are assembled for transportation in loads off of the logging site.

LITTER - Discarded items not naturally occurring on the site such as tires, oil cans, equipment, and other rubbish.

LOP OR LOPPING - To cut tops and slash into smaller pieces to allow material to be brought close to the ground.

OPERATOR - An individual, partnership, company, firm, association, or corporation engaged in timber harvesting, including the agents, subcontractor, and employees thereof.

LANDOWNER - 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 timber harvesting.

LOGGING – see definition of **TIMBER HARVESTING**, **TREE HARVESTING**, or **LOGGING**

MANAGEMENT PLAN - A plan which shall consist at a minimum of Stand Prescription Plan, Harvesting Plan, and Reforestation plan.

MERCHANTABLE TREE - Tree or portion of a tree having economic value based on size, quality, condition and location. Diseased or dead trees, as determined by a certified arborist or township engineer, or 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 shall not constitute a Merchantable Tree.

OIC - OFFICER IN CHARGE - The Township representative designated by the Board of Supervisors to implement this Ordinance and to perform the functions of the OIC as set forth herein or, if no such person is designated or in the absence of the OIC, the Township Engineer.

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

PERMIT BOND - The approved form of security furnished by the contractor and his surety as a guarantee that the Contractor will complete the work in accordance with the terms of the permit.

QUALIFIED PROFESSIONAL FORESTER - A forester meeting one of the following requirements:

- (a) Two years of technical forestry experience and an associate's degree in forest technology, forestry, forest management, forest ecosystem management, urban forestry, forest science, agroforestry, or a related forestry or natural sciences degree; or
- (b) A bachelor's degree in forest technology, forestry, forest management, forest ecosystem management, urban forestry, forest science, agroforestry, or a related forestry or natural sciences degree; or
- (c) A master's degree in forest technology, forestry, forest management, forest ecosystem management, urban forestry, forest science, agroforestry, or a related forestry or natural sciences degree.

REGENERATION OR REFORESTATION PLAN - method in which the forest cover will be renewed, *i.e.*, natural regeneration, seed, seed tree, sprouting, planting, etc.

RESIDUAL STAND - The trees that remain after the harvest. They are candidates for the next harvest.

SKID ROAD - main route for skidding logs from woods to the landing. May require flagging, clearing, and grading.

SKID TRAIL - trail along which logs are skid from the stump to the main skid road. They do not require any grading.

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

SLASH - Woody debris left in the woods after logging, including logs, chunks, bark branches, uprooted stumps, and broken or uprooted trees or shrubs.

STAND - Any area of forest vegetation whose site conditions, past history, and current species composition are sufficiently uniform to be managed as a unit.

STAND PRESCRIPTION - the type of forest management treatment applied to a particular stand to achieve the stated management objectives. It should include, but not be limited to, detailed instructions on how the treatment is to be carried out on the ground, the desired residual stand, and details on any follow-up treatment needed, *i.e.*, Timber Stand Improvement.

STREAM - Any channel or conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

TIMBER HARVESTING, TREE HARVESTING, or LOGGING - That part of forestry involving cutting down trees and removing logs from the forest for the primary purpose of sale or commercial processing into wood products.

TOP - The upper portion of a felled tree that is unmerchantable because of small size, taper, or defect.

WETLAND - Areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances, do support a prevalence of vegetation typically adapted for life in saturated soil conditions including swamps, marshes, bogs and similar areas. This definition includes all wetlands whether formally delineated or not.

ARTICLE IV: NOTIFICATION; MANAGEMENT PLAN.

(1) Notification of commencement or completion. For all timber harvesting operations that are expected to exceed two acres, the landowner shall notify the township OIC at least five (5) business days before the operation commences and within five business days after the operation is complete. No timber harvesting shall occur until the notice has 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 or completion date of the operation.

(2) Management Plan. Every landowner on whose land timber harvesting is to occur shall prepare a written Management Plan in the form and containing the information specified by this Article. No timber harvesting 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 OIC.

(3) Responsibility for compliance. The landowner and the operator shall be jointly and severally responsible for complying with the terms of the Management Plan.

(4) Contents of the Management Plan.

(A) Minimum requirements. The Management Plan shall be prepared by a Qualified Professional Forester and shall include the following:

(i) A detailed stand prescription plan including but not limited to a detailed work plan, data on existing and proposed/planned tree inventories and densities, proposed rotations, grow stock levels, cutting cycles, cutting methods, projected volume production, and residual stand objectives, the basal area of retained trees, and a plot-based estimate of the residual tree stand conditions.

(ii) Regeneration or reforestation plans, including a statement of objectives, a detailed work plan, the methods proposed to achieve the objective, the proposed techniques (e.g., natural regeneration, direct sowing, planting of seedlings, fenced planting), plans for maintenance and protection of reforested areas, and other information required to provide a full disclosure of the intended regeneration or reforestation methods and planned outcomes;

(iii) Methods and plans to delineate the boundaries of any environmentally sensitive areas including but not limited to wetlands, areas in which endangered or threatened species may be present, wildlife habitat areas, floodplains, steep slopes, and areas designated by the Schuylkill County Comprehensive Plan as important natural areas, priority areas for open space and greenways, or proposed conservation areas;

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

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

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

(vi) The general location of the proposed operation in relation to municipal and state highways, including any accesses to those highways and routes of transport;

(vii) Estimated start and completion dates for the operation if known at the time of preparation of the Management Plan, otherwise applicant shall inform Township of dates for commencement and completion upon the award of the bid for the timber harvest;

(viii) Responsible parties with information on contacting these parties and their phone numbers.

(B) Map. Each Management Plan shall include a map containing the following information:

(i) 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, with all topographic features represented with contour lines with no less than twenty (20) foot contour intervals. If smaller contour intervals are represented on available United States Geologic Survey topographic mapping (including USGS digital products) for the site, such smaller contour intervals shall be used;

(ii) Significant topographic features related to potential environmental problems;

(iii) Location of all earth disturbance activities such as roads, landings, and water control measures and structures;

(iv) Location of all crossings of waters of the Commonwealth; and

(v) The general location of the proposed operation to municipal and state highways, including any accesses to those highways.

(C) Compliance with state law. The Management Plan shall address and comply with the requirements of all applicable state laws and regulations including, but not limited to, the following:

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

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

(D) Relationships of state laws, regulations, and permits to the Management Plan. Any permits required by state laws and regulations shall be attached to and become part of the Management Plan. To the extent that any of the information required in this Article is set forth in an erosion and sedimentation plan, the submission of the erosion and sedimentation plan to the Township satisfies the requirement to provide such information.

ARTICLE V: FOREST PRACTICE REQUIREMENTS APPLICABLE TO ALL TIMBER HARVESTING OPERATIONS

The following requirements shall apply to all timber harvesting operations in the Township:

(1) 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.

(2) No tops or slash shall be left within 25 feet of any public thoroughfare or private roadway providing access to adjoining residential property.

(3) All tops and slash between 25 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.

(4) No tops or slash shall be left on or across the boundary of any property adjoining the operation without the consent of the owner thereof.

(5) Litter resulting from a timber harvesting operation shall be removed from the site before it is vacated by the operator.

(6) Responsibility for road maintenance and repair; road bonding. Pursuant to Title 75 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 may be required to furnish a bond to guarantee the repair of such damages.

(7) Felling or skidding on or across any public thoroughfare is prohibited without the prior express written consent of the township or the Pennsylvania Department of Transportation, whichever is responsible for maintenance of said thoroughfare. Skidding across intermittent or perennial streams is prohibited.

(8) No tops or slash shall be left in any stream or stormwater swale such as to cause flooding, alteration of stream flow or cross-section, or impairment of the function of stormwater conveyance.

(9) All tops and slash shall be lopped to a maximum height of 6 feet above the surface of the ground.

(10) Slopes shall be protected from erosion. Any timber harvesting proposed on slopes of 25% or greater must provide an explanation of the Erosion and Sediment Control Best Management Practices to be employed on the slopes, the reasons for harvesting on the slopes, and method for retrieving the logs that are felled on the slopes.

(11) Except for routine maintenance and repairs to equipment, tree harvesting, and related activities covered by an approved Management Plan shall be conducted only between the hours of 5 AM to 6 PM.

(12) All soil washed or carried onto public streets during tree harvesting operation and all litter shall be cleaned up each day.

(13) All road surfaces as described in the submitted and approved Management Plan shall be provided before timber harvesting commences except as phases are delineated in the Management Plan.

(14) All log landings shall be retired in accordance with BMPs and Natural Resources Conservation Service Conservation Practice Standards.

(15) All haul roads and skid roads shall be stabilized in accordance with good engineering practice and Natural Resources Conservation Service Conservation Practice Standards.

(16) Skidder damage shall be closely monitored, and excessive damage shall result in the payment for remediation by the landowner and/or the operator. To protect residual trees, bumper trees shall be designated along skid roads to minimize damage.

(17) The landowner and/or the operator shall be required to pay for remedial treatment due to noncompliance with BMPs or other conditions of the permit.

(18) Stream, intermittent stream and perennial stream margin shall be that area which extends from the edge of the stream bank, intermittent stream or perennial stream to a distance of 300 feet for perennial streams or 100 feet for intermittent streams. Roads may cross the margins where approval is obtained from the Department of Environmental Protection - Bureau of Waterways Engineering and Wetlands or other bureau responsible for such activities and where no other access to the harvest area is available. Such roads shall be designed and constructed in accordance with the Pa. DEP standard road engineering detail with bonding required. Within this margin, Timber Harvesting, Tree Harvesting, or Logging shall be consistent with the most recent edition of the Pa. DEP's *Timber Harvest Operations Field Guide for Waterways, Wetlands, and Erosion Control*.

(19) If, in the opinion of the OIC, conditions become unfavorable, *i.e.*, too wet or muddy, all phases of the work shall be suspended until conditions become favorable. The decision of the OIC regarding these conditions shall be final.

(20) To the extent applicable, all Timber Harvesting, Tree Harvesting, or Logging activities shall be consistent with the National Resources Conservation Service Conservation Practice Standards.

ARTICLE VI: FOREST PRACTICE REQUIREMENTS APPLICABLE TO COMMERCIAL FORESTRY

In addition to the requirements of Article V, the regulations in this Article VI shall apply to forestry operations involving the cutting down of ten (10) or more Merchantable Trees with a total value of One Thousand Dollars (\$1,000.00) on any contiguous woodlot per year.

(1). **Permit Required; Fees.** Commercial Forestry shall be conducted pursuant to a Commercial Forestry Permit issued by the Township OIC upon application to the Township and approval by the Board of Supervisors. The applicant for a Commercial Forestry Permit shall pay a permit application fee to the Township in an amount established by resolution of the Board of Supervisors sufficient to cover the Township's costs in reviewing the application and issuing the permit. Any sum not expended by the Township to review the application and issue the permit shall be returned to the applicant.

(2). **Responsibility.** It shall be the joint responsibility of each Landowner on whose land tree harvesting is to be carried out and the Operator to submit to the Township OIC a Management Plan at least thirty (30) days prior to commencement of any Commercial Forestry and to submit notification as required in this Ordinance. It shall be the responsibility of the Landowner and Operator to assure compliance with and complete implementation of the provisions of the Management Plan.

(3). All timber harvesting operations shall strictly adhere to the BMPs and all applicable federal, state, and local regulations.

(4). The Management Plan shall be submitted in its entirety at the time of application to the OIC for a Commercial Forestry Permit.

(5). Within thirty (30) days of the Township's receipt of the Commercial Forestry Permit Application and complete Management Plan and required documentation, the Township OIC shall review and determine whether to issue a permit for the proposed Commercial Forestry. The OIC may retain the services of a professional silviculturist or forester for the review, the costs of which shall be borne by the Township and not covered by the fee set forth in section 1 of this Article. The permit shall be established on the basis of and incorporate the Management Plan. The OIC shall inspect the site. If individual trees or groups of trees are found on slopes or along stream banks that are fulfilling an important function in protecting the property of third parties or stability of a slope or stream bank, then the OIC shall evaluate the need to alter the plan in consultation with the forester, and then may adjust the specific trees permitted to be cut in order to eliminate the threat.

(6). Any revisions or amendments to the approved Management Plan or any part thereof shall be filed with the OIC for approval at least ten (10) days prior to implementing any proposed changes.

(7). The OIC shall be notified in writing a minimum of five (5) business days prior to commencement of any timber harvesting operations and within five (5) business days after the date of completion. Prior to commencement of timber harvesting, a Permit Bond, irrevocable letter of credit, or a certified check in the amount of \$5,000.00 for a harvestable area up to 25 acres, with an additional \$2,000.00 for every harvestable ten acre increment or portion thereof shall be provided by the operator to guarantee faithful performance of the Commercial Forestry permit and compliance with this Ordinance. This amount shall be maintained in an interest bearing account with the interest to be credited to the depositor. The identity of the timber harvesting operator shall be provided to the Township upon the award of the bid for the timber harvest covered by the approved timber harvesting permit and proof of any insurance required under State law or proof of exemption therefrom for the timber harvester shall also be provided at the same time.

(8). Release of Permit Bond to be within thirty (30) days after final determination by the OIC that the requirements of this Ordinance and the terms and conditions of the Commercial Forestry Permit have been fully complied with and the OIC approval of the completed harvesting operation.

ARTICLE VII: ENFORCEMENT

(1) Township enforcement officer. Unless another person is specifically authorized to do so by the Board of Supervisors, this Ordinance shall be enforced by the designated OIC or, if not designated or in the absence of the OIC, the Township Engineer.

(2) Inspections. The OIC or any duly authorized Township representative may go upon the site of any tree harvesting operation before, during, or after the active timber harvesting to review the tree harvesting operation, Management Plan and any amendment thereto and other required documents to ensure that such plans and documents and all are in compliance with the approved Management Plan and any approved amendments thereto. The OIC or any duly authorized Township representative may go upon the site of any timber harvesting operation before, during, or after active logging to inspect the timber harvesting activities for compliance with the Management Plan, this Ordinance, and any permit issued hereunder.

(3) Violation notices; suspensions. Upon finding that a Timber Harvesting, Tree Harvesting, or Logging operation is in violation of any provision of this Ordinance or any permit issued hereunder, the Township

OIC shall issue the operator and the landowner a written notice of violation describing each violation and specifying a date by which corrective action must be taken. The Township OIC may order the immediate suspension of any operation upon finding that corrective action has not been taken by the date specified in a notice of violation; the operation is proceeding without a Management Plan; or the operation is causing immediate harm to the environment. Suspension orders shall be in writing, shall be issued to the operator and the landowner, and shall remain in effect until, as determined by the Township OIC, the operation is brought into compliance with this Ordinance or other applicable statutes or regulations. The landowner or the operator may appeal an order or decision of the OIC within thirty (30) days of its issuance to the Township Board of Supervisors.

(4) Any Timber Harvesting, Tree Harvesting, or Logging operation found to be proceeding without Township knowledge and approval as described in this ordinance shall immediately cease operations and shall not resume operations until a forest management plan is prepared, submitted and approved by the OIC and Board of Supervisors. In addition, the OIC may direct the operator and landowner to immediately implement acceptable sedimentation and erosion control measures.

(5) Any timber harvest operator found to be operating beyond the scope or not in compliance with the approved plan will be issued a written statement describing each violation and specifying a date by which corrective action must be taken. Such corrective work shall be completed by the date specified. The operator shall be subject to the penalties provided in this Ordinance. Tree harvesting activities shall be subject to suspension in the Township's discretion until corrective work has been completed and approved by the OIC.

(6) When the OIC or Township Engineer finds a condition to be causing an immediate environmental risk, he/she shall immediately order operation to cease effective immediately, to be followed in writing when practical, and contact the Schuylkill Conservation District or other agency with jurisdiction and request enforcement of the rules and regulation referred to in this document.

(7) If it is necessary for the OIC to obtain a survey or surveying services or consult a professional forester to establish a violation of this ordinance, the landowner/operator shall pay to the Township, in addition to other penalties provided for herein, an amount equal to the cost of said services if a violation is found to exist. If no violation is found to exist, the Township will be responsible to pay for costs incurred for obtaining said services.

(8) Pursuant to the Second Class Township Code, 53 P.S. § 66601, any person who violates this Ordinance shall be liable for payment of reasonable attorneys' fees incurred by the Township in enforcement proceedings.

(9) Other remedies. In accordance with the Second Class Township Code, 53 P.S. § 66601, this Ordinance may be also enforced through an action in equity brought in the court of common pleas of Schuylkill County.

ARTICLE VIII: PENALTIES

(1). Any landowner or operator who violates any provision of this Ordinance, fails to allow the Township OIC access to a harvest site for inspection pursuant to this Ordinance, or who fails to comply with a notice of violation or suspension order issued under this Ordinance shall pay a penalty of Six hundred Dollars (\$600.00) per violation for each violation of each section of this Ordinance in accordance with the Second Class Township Code, 53 P.S. § 66601c.1(1). Each day or portion thereof of continued violation of any provision of this Ordinance shall constitute a separate offense.

ARTICLE IX: INTERPRETATION, SEVERABILITY, AND REPEALER

(1). Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; words stated in the singular number include the plural and words stated in the plural include the singular.

(2). If any section, subsection, sentence, clause, phrase or portion of this Ordinance or its application to any person, property or circumstances is, for any reason, held invalid, preempted, or unconstitutional by any Court, such holding shall not be construed to affect the validity of any of the remaining provisions of this Ordinance or its application, for such portion shall be deemed as a separate, distinct and independent provision from the remaining provisions which shall be and remain in full force and effect. It is hereby declared the legislative intent that this Ordinance would have been adopted had such invalid or unconstitutional provision of its application not been included herein.

(3). Township Ordinance 92-1 is hereby repealed as of the effective date of this Ordinance set forth hereafter.

ENACTED and ORDAINED this _____ day of _____, 2022.

**REILLY TOWNSHIP
BOARD OF SUPERVISORS**

ATTEST:

MARY ANN MATUKEWICZ, Secretary

ROBERT C. BUTENSKY, Chairman

JAMES J. QUINN, Supervisor

LAURIE RUCH, Supervisor

APPENDIX A

The following table shall be used to compute the basal area of the retained trees:

D.B.H. Inches	Basal Area Per Tree Square Feet	D.B.H. Inches	Basal Area Per Tree Square Feet
1	.005	16	1.396
2	.022	17	1.576
3	.049	18	1.767
4	.087	19	1.969
5	.136	20	2.182
6	.196	22	2.640
7	.267	24	3.142
8	.349	26	3.684
9	.442	28	4.273
10	.545	30	5.581
11	.660	32	6.300
12	.785	34	7.063
13	.922	36	7.870
14	1.227	38	8.720