

EAST TAYLOR TOWNSHIP
CAMBRIA COUNTY
PENNSYLVANIA

ORDINANCE NO. 23-01

AN ORDINANCE OF THE TOWNSHIP OF EAST TAYLOR, CAMBRIA COUNTY, PENNSYLVANIA, WHICH REGULATES THE REMOVAL OF TIMBER WITHIN THE TOWNSHIP OF EAST TAYLOR AND REQUIRES A PERMIT FOR THE SAME; AND PROVIDING FOR PENALTIES FOR ANY VIOLATION THEREOF.

WHEREAS, the Township of East Taylor recognizes that forest management and tree harvesting is an important legitimate activity in the forestland of East Taylor Township, Cambria County, Pennsylvania; and

WHEREAS, it is necessary to regulate such activity to ensure that long-term production of forest crops and benefits is encouraged; that the right to harvest trees is exercised with due regard for the protection of the physical property of adjacent landowners and roadways; and that the potential for negative environmental impacts resulting from improper tree harvesting is minimized.

NOW, THEREFORE, be it ordained, and it is hereby ordained by the Board of Supervisors of the Township of East Taylor, Cambria County, Pennsylvania, that:

- (a) Purpose. To provide for the regulation of such activity to ensure:
 - (1) That long-term production of timber crops is encouraged,
 - (2) That the right to harvest trees is exercised with due regard for the protection of the physical property of adjacent landowners, and
 - (3) That the potential for negative environmental impacts resulting from improper tree harvesting is minimized, such as excessive stormwater run-off, excessive erosion and sedimentation and landslides.
- (b) Intent. It is the intent of this section to regulate timber harvesting practices and to allow for and encourage proper forest management within East Taylor Township.
- (c) Definitions. The following words are defined as they are used in this section:
 - (1) Felling: The act of cutting a standing tree so that it falls to the ground.
 - (2) Landing: A place where logs are assembled for transportation in loads.
 - (3) Logging Plan: A written description with a map of a specific logging operation prepared before the operation commences.
 - (4) Lopping: To cut tops and slash into smaller pieces to allow material to settle close to the ground.
 - (5) Operator: The individual, partnership, company, firm association or corporation engaged in the harvest of timber, including his or her agents, or subcontractors or employees.

- (6) Owner. The individual, partnership, company, firm, association or corporation which holds title to standing timber and to the land on which it is situated, including his or her agents or subcontractor or employees.
- (7) Skidding: Dragging trees on the ground, by any means, from the stump to the landing.
- (8) Slash: Debris left after logging, including logs, chunks, bark, branch, stumps and broken under story trees or brush.
- (9) Stream: Any continuous channel of conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial or intermittent ephemeral flow.
- (10) Tree Harvesting (also timber harvesting/logging): The cutting down and removal of trees and logs to be converted to any forest product or for sale to others.
- (11) Tops: The upper portion of a felled tree not merchantable, because of small size, taper or defect.
- (12) Basal Area: The area in square feet per acre occupied by tree stems at 4.5 feet above the ground normally measured by a calibrated prism or angle gauge.

(d) Applicability. The provisions and requirements of this section shall apply to all tree harvesting operations within the Township except that:

- (1) No permit or plan submission shall be required for:
 - A. Removal of individual trees for landscaping around permanent structures.
 - B. Cutting trees for creation of a product where the use is non-commercial and intended to be utilized on the property.
 - C. Removal of trees posing a hazard to life or property.
 - D. Removal of individual decayed or diseased trees.

(e) Responsibility of Operator and Landowner: It shall be the responsibility of each operator and landowner on whose land tree harvesting is to be carried out to develop or have developed the logging plan. It shall be the joint responsibility of the landowner and the operator to see that they carry out the provisions of the logging plan.

(f) Regulations Pertaining to Logging Plan.

- (1) A logging plan shall be prepared for each tree harvesting operation within East Taylor Township. Features shall be shown on, at least, either a one inch equals 660-foot scale map or aerial photograph. One inch equals 400-foot maps are available at the Township.
- (2) Such plan will address all applicable erosion and sedimentation control and stream crossing regulations under Chapter 102, Erosion Control Rules and Regulations, issued under the Act of June 22, 1937, P.L. 1987 (Clean Streams Law), and Chapter 105, Dam and Waterway Management Rules and Regulations, issued under the Act of 1978, P.L. 1375, No. 325 (Dam Safety and Encroachments Act). A copy of the logging plan along with the Erosion and Sediment Control Plan must be submitted to the Cambria County Conservation District and all required fees must be paid at the time of submission.

- (3) Points that shall be addressed by the logging plan, including the following as a minimum:
- A. Plan of the road system.
 - B. Water control structures.
 - C. Stream crossings.
 - D. Log landings.
 - E. Haul roads, skid roads and skid trails.
 - F. Maintenance.
 - G. Road use.
 - H. Road and log landing retirement.
 - I. The general location of the anticipated operation in relation to Municipal and State highways on a topographic base.
 - J. The location of property boundaries and adjoining property owners for the tract on which the logging will take place and the boundaries of the proposed harvest area.
 - K. Location of all streams, wetlands, and drainage ways within and immediately adjacent to the timber area.
 - L. Location and description of any devices that will be utilized for work in and around wetlands.
 - M. The logging plan shall contain a statement under signature of a qualified forester that the plan complies with "sound timber management practice" and except for circumstances governed by the provision herein will result in a continuing timber resource on the property. Provided, however, when the timber is being removed to prepare the land for another permitted use, no such representation shall be required, provided the applicant provides copies of all required permits with the logging plan.
 - N. The logging plan shall contain a representation under signature of the operator that he or she will comply with all provisions of the ordinance and maintain erosion and sedimentation controls until all disturbed areas are re-vegetated.
 - O. The logging plan shall describe the methods which will be utilized in re-vegetating log landings and side trails at the conclusion of operations.
 - P. The logging plan shall identify all public thoroughfares in the Township over which logs will be hauled from landing to mill.
- (4) The operator must submit a road bonding application along with the logging plan.
- (5) The plan shall be filed with the Township except for operations exempted under paragraph (d)(1) hereof.
- (6) For all tree harvesting operations that are expected to exceed three (3) acres, the Township Enforcement Officer shall be notified five (5) business days before the beginning and three (3) business days before the end of the operation.
- (7) All erosion and sediment control and stream crossing requirements shall be followed at all times during the operation.
- (8) The following requirements shall govern all timber harvesting activity:
- A. Felling or skidding on or across any public thoroughfare is prohibited.
 - B. No tops or slash shall be left within twenty-five feet of any public thoroughfare.

- C. All tops and slash between a distance of twenty-five feet and fifty feet from a public thoroughfare shall be lopped to a maximum height of four feet above the surface of the ground.
- D. No tops or slash shall be left on or across a property boundary without the consent of the adjoining landowner.
- E. Litter resulting from any logging operation shall be cleaned up and removed from the site before it is vacated by the operator.
- F. No tops or slash shall be left within twenty-five feet of the following named recreational trails: Path of the Flood, Johnstown Greenway/Honan Trail, Joseph P. Whitley Trail, Honan Avenue Trail, Staple Bend Tunnel to Mineral Point, National Park Service Staple Bend Tunnel, Franklin Ballfield to Staple Bend Tunnel, Johnstown Flood Museum to Franklin.
- G. Tops and slash shall be lopped to a height not more than four feet above the ground surface for a distance of between twenty-five and fifty feet of the following named recreational trails: Path of the Flood, Johnstown Greenway/Honan Trail, Joseph P. Whitley Trail, Honan Avenue Trail, Staple Bend Tunnel to Mineral Point, National Park Service Staple Bend Tunnel, Franklin Ballfield to Staple Bend Tunnel, Johnstown Flood Museum to Franklin.
- H. Because streams are an important natural resource, which need special protection, logging within seventy-five feet of streams is prohibited unless all of the following conditions are met:
 - 1. The basal area of trees in that area within the seventy-five foot zone shall not be reduced below fifty percent of the basal area present before cutting or below sixty-five square feet per acre, whichever is higher.
 - 2. Trees to be cut within the seventy-foot zone described shall be marked above and below stump height with tree marking paint prior to the issuance of permit.
 - 3. Trees or logs shall not be skid or transported within fifty feet of stream beds or drainage ways, except at planned crossings.
- I. Where the logging does not leave, at least, thirty square feet of basal area per acre in areas with a slope of twenty percent or greater, the plan shall include provisions for stormwater management devices sufficient to prevent any increase in run-off from the 100-year storm to any down stream.
- J. On all properties except those utilized as single-family, owner-occupied residential dwellings, a barrier co-extensive with the building setback zone in areas bordering a Residential or Commercial District shall be established in which no more than fifty percent of the basal area of trees (at 4.5 feet) shall be removed. Trees cut in the setback area shall be marked above and below stump height with tree paint prior to the start of logging. Tops and slash shall be cut to no more than four feet in the setback area.

(g) Permit Required.

- (1) No operator shall begin any timber harvesting operation in East Taylor Township without first securing a timbering permit, except as exempted, therefrom in paragraph (d)(1) hereof.
- (2) The Township of East Taylor shall promptly issue a permit upon submission of a

complete application consisting of:

- A. Logging plan as specified in subsection (f) hereof.
- B. Proof of insurance by the operator of State Workers' Compensation for all employees, or employees of subcontractors, and public liability insurance in an amount of, at least, three hundred thousand dollars (\$300,000) and including damage to streams and public property.
- C. Payment of a permit application fee in the amount of \$300 plus the following:
 - (1) \$50 per acre up to and including 10 acres, or
 - (2) \$25 per acre for 11 acres and above.

(3) Permits shall be effective for a period of fourteen months from issuance.

(h) Bond Required Upon Violation. In the event of violation of the requirements of this Ordinance during a timbering operation and within the past five years, the landowner or operator shall, before resuming work or initiating new work, post a bond in the amount of one hundred dollars (\$100.00) per acre in cash or surety bond for faithful performance of future obligations.

(i) Enforcement and Penalty.

- (1) The Township of East Taylor shall designate and appoint an Enforcement Officer who shall be delegated the duty and is hereby vested with the authority to enforce all provisions contained in this ordinance.
- (2) The 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 these regulations.
- (3) Upon finding that a timber harvesting operation is in violation of any provision of this Ordinance, the Township Enforcement Officer 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 Enforcement Officer may order the immediate suspension of any operation 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. 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 Enforcement Officer, 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 an enforcement officer within thirty (30) days of issuance to the governing body of the Township.

- (4) Any landowner or operator who (1) violates any provision of this ordinance; (2) refuses to allow the Township Enforcement Officer access to a harvest site pursuant to paragraph 2 of this section, or (3) who fails to comply with a notice of violation or suspension order issued under paragraph 3 of this section is guilty of a summary offense and upon conviction shall be subject to a fine of not less than One Hundred (\$100.00) Dollars nor more than Three Hundred (\$300.00) Dollars, plus costs for each separate offense. Each day of continued violation of any provision of this Ordinance shall constitute a separate offense.
- (j) Forestry including, but not limited to, timber harvesting is a permitted use in all districts.


If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, sentence, section or part thereof not been included herein.

ORDAINED AND ENACTED the 19th day of April, 2023.

TOWNSHIP OF EAST TAYLOR

By: 
Supervisor

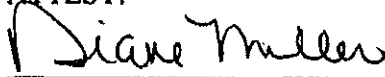

Supervisor


Supervisor


Supervisor


Supervisor

ATTEST:


Secretary