

Part 6**Logging****§13-601. Title.**

This Part shall be known and may be cited as the "Logging Ordinance."
(Ord. 574, 8/4/2004; as added by Ord. 656, 4/9/2015)

§13-602. Purpose.

It is the intent of this Part to promote the welfare of the people of the Township by providing for the regulation of the removal of trees in such a way as to protect and preserve the environment, roads and quality of the community in general. Trees are a natural resource and an integral part of the natural landscape of the Township, providing soil erosion control, surface water flow barriers and scenic beauty, and fostering myriad plant and wildlife species. The removal or harvest of trees is therefore of prime concern to the residents of the Township and shall not be permitted, except as hereinafter provided.

(Ord. 574, 8/4/2004)

§13-603. Definitions.⁵

As used in this Part, the following terms shall have the meanings indicated:

Clearcutting—removing all or a majority of trees from the area logged.

Cutting block—an area of property to be logged, approximately 10 to 15 acres in size, depicting the phase number, defined by natural boundaries and determined by a professional forester.

Diameter limit cutting—the practice of cutting only trees above a certain diameter within the area logged. [Ord. 656]

Felling—the act of cutting a standing tree so that it falls to the ground.

Logging—the act of cutting/harvesting live or dead trees for cordwood, for timber, for pulp or for any commercial purpose, excepting therefrom a landowner and/or any agent of a landowner cutting on the property of the landowner for the use solely of the landowner, any properly approved clearing for development of building sites or clearing for farming operations. A landowner who cuts/harvests trees or permits such cutting/harvesting of trees upon the landowner's property for other than the landowner's own use is a person engaging in logging and in a logging operation. A logging operation shall include the acts of tree harvesting, site clean up and site restoration.

Professional forester—a person, who has earned a 4-year college degree in forest management, is registered with the Pennsylvania Bureau of Forestry and can demonstrate expertise in environmentally sound forest management/timber

⁵Editor's Note: See also the general definitions contained in Chapter 1, Part 1, of this Code.

harvesting practices.

Skidding—the dragging of trees on the ground from the stump to the landing by any means.

Slash—all debris resulting from logging operations, including stems, limbs and parts thereof. "Tops" shall be the word used to refer to the upper portion of a felled tree not normally merchantable. Typically, a "top" becomes part of the "slash" produced by a logging operation.

Township Forester—a professional forester duly retained and/or designated by the Board of Supervisors and/or the duly authorized designee of the Township Manager, to serve as the Forester of the Township. [Ord. 656]

(Ord. 574, 8/4/2004; as amended by Ord. 656, 4/9/2015)

§13-604. Logging Permit Required.

Logging operations within the Township on any parcel of property over 1 acre in size shall require a logging permit. The logging permit shall be issued by the Township for the entire site, but subject to review for each cutting block. The logging operation must be completed to the satisfaction of the Township in one cutting block prior to commencement of logging operation in the next cutting block. A logging operation which moves from one cutting block to another without first receiving the approval of the Township is subject to the penalties in §13-615 and other appropriate legal processes. The cutting block phase numbers shall be shown on the timber harvest plan as prepared by a professional forester (See §13-608, "Application for Logging Permit"). A logging permit shall be valid for a period of 3 years. A one-time, 6-month extension shall be granted when requested in a statement from the professional forester hired by the property owner. If logging is conducted without or in violation of a Township logging permit, the landowner and the logging operator shall each be in violation of this Part and each shall be fully subject to all applicable fines and penalties.

(Ord. 574, 8/4/2004; as amended by Ord. 656, 4/9/2015)

§13-605. General Requirements.

1. The Allegheny County Conservation District (ACCD) must approve the erosion and sedimentation control plan of the property owner and/or logger who seeks to operate, or cause to operate, a logging operation. Proper erosion and sedimentation control measures, as outlined in the ACCD approved plan, shall be implemented prior to any commencement of logging activities on the property and throughout the duration of such logging activities to prevent accelerated water runoff. The first logging activities shall be construction of the roadways, trails, landings and such. The erosion and sedimentation control measures shall be maintained throughout the logging operation and until seeding has germinated.

2. Hauling or skidding or placing fills or other obstructions in perennial or intermittent streams is prohibited except as approved by a professional forester. Nothing in this Part, including the exception stated in the immediately preceding sentence, is intended to supersede Federal and/or State law relating to clean water, flowing water, fish hatcheries or the pollution of water resources.

3. Diameter-limit cutting shall not be permitted.

4. Clearcutting shall not be permitted unless approved by the Township Forester based upon a determination that: clearcutting will assist in forest regeneration; clearcutting will not cause excessive erosion and sedimentation; and clearcutting will not be done within 50 feet of any public road right-of-way or any abutting property.

5. No tree may be cut which is the largest of its species in the state.

6. No on-site retail sale of harvested wood or logs shall be permitted from the property unless the property is located in a zoning district which permits such use under the Zoning Ordinance [Chapter 27]. [Ord. 656]

7. No portable sawmills are permitted.

8. No tops or slash of the felled trees shall be left on any right-of-way or drainage ditch leading from a culvert, water bar, intercepting dip or break in the berm of road or in, on or within 25 feet of a property boundary line, stream, spring seep, dam, lake or public road right-of-way unless otherwise authorized in writing by a professional forester who shall not, in any way, have the power to authorize violations of Federal, State, County and Township laws, statutes, ordinances and regulations. Felling or skidding on or across any public road is prohibited without the express written consent of the Township or the Pennsylvania Department of Transportation; whichever is responsible for the maintenance of the road. No tops or slash shall be left on or across the boundary of any property adjoining the operation without the consent of the owner. All tops and slash between 25 and 50 feet from a public road or a private road providing access to adjoining residential property, or within 50 feet of an adjoining residential property, shall be lopped to a maximum height of 4 feet above the surface of the ground. Tops of trees may be left in retired skid trails to discourage unauthorized entry if desired by the owner. [Ord. 656]

9. Logging operations shall be conducted at a time of the year when the Township Forester determines that the least amount of environmental damage will occur and are subject to being shut down if they occur at other times. A logging operation and its principles shall be subject to the penalties in §13-615 for violation of this requirement.

10. Littering resulting from a timber harvesting operation shall be removed from the site before it is vacated by the operator.

11. When a logging operation has been completed, all disturbed areas such as the landings, roads and critical areas must be seeded with annual grasses as determined by the Township Forester upon completion of the logging operations.

12. Access roads shall be permanently blocked. The Township shall choose the appropriate post-harvest security. When the logging operation on a parcel has been completed, the access road shall be permanently blocked and kept as such.

13. Roads and trails shall be constructed, maintained and abandoned in such a manner as to prevent soil erosion and permanent damage to soil and waterways. Roads and trails shall be only wide enough to accommodate the type of equipment used and the grades of such roads and trails shall be kept as low as possible. [Ord. 656]

14. Applicants shall comply with §27-214 of the Zoning Ordinance [Chapter 27].

15. Applicants shall comply with all other applicable Federal, State, County and Township laws, statutes, ordinance and regulations. [Ord. 656]

(Ord. 574, 8/4/2004; as amended by Ord. 656, 4/9/2015)

§13-606. Use of Township Roads.

1. For all logging operations, prior to hauling on any Township road, financial security shall be posted in accordance with §13-607 hereof. The Township Engineer and/or his designee shall prepare a report prior to hauling to establish the existing road condition and for the purpose of establishing reasonable times and conditions for hauling logs so that damage to the road will be minimized. Such conditions may include, without limitation, limiting hauling to dry periods. The Township shall be notified during normal working hours as to when hauling will begin from a cutting block so that the first truck can be followed to determine if the roadway is being damaged.

2. A logging operation shall keep any roadway over which it hauls logs or other logging residue clean and free of mud and debris to the extent that such roadway mud, debris or similar material is the result of vehicles traveling to and from the logging operation. At the point of access, the logger shall construct an aggregate entrance area to support the roadway edge. No parking of logging vehicles or storage of logs shall be permitted in the Township road right-of-way. Water from the logging area shall not be discharged onto the roadway surface. [Ord. 656]

3. No cutting or loading shall take place between the hours of 5 p.m. and 7 a.m. Monday through Saturday and all day Sunday and Federally designated legal holidays. (Ord. 574, 8/4/2004; as amended by Ord. 656, 4/9/2015)

§13-607. Financial Security Required.

All financial security required by this Part shall comply with the requirements of the Financial Security Ordinance, [Chapter 1, Part 7].

A. *Performance Security.* Prior to the commencement of a logging operation, the applicant shall post financial security guaranteeing restoration of the property logged or of any other property damaged by the logging operations. This financial security shall be in an amount acceptable to the Township Engineer, and said amount shall be based upon the actual area of soil disturbance as delineated in the timber harvest plan. The Township shall be given 3 business days advance notice, in writing, by the contractor, owner or any other party conducting a logging operation, for the purpose of permitting the Township to inspect the site and approve/disapprove logging work proposed to begin on a cutting block which has not previously been the subject of logging under the approved timber harvest plan. Such initial notice may not be given on a weekend or official Township holiday and must be hand delivered to the Township's offices. The contractor, owner or any other party conducting the logging operation shall contact the Township within three business days after final operations have been completed. The Township Forester, Township Engineer or Code Official shall complete a post-harvest inspection of the subject property. The performance financial security will not be released by the Township until a post-harvest report indicates that land restoration has been completed to the satisfaction of the Township.

B. *Road Financial Security.* Prior to hauling on any Township road, the applicant for the logging permit shall post separate financial security to guarantee restoration of Township roads damaged by the hauling. This financial security, including the amount, type and form, shall also comply with the vehicle size and

weight regulations of Chapter 15, Part 3, of this Code.
(Ord. 574, 8/4/2004; as amended by Ord. 656, 4/9/2015)

§13-608. Application for Logging Permit.

1. Application for a logging permit shall be made in writing to the Code Official on forms supplied by the Township. Such application shall be accompanied by: [Ord. 656]

- A. A logging plan.
- B. A timber harvest plan.
- C. An erosion and sedimentation control plan signed, dated and approved by the ACCD.
- D. A copy of the ACCD's approval and comments.
- E. Performance security, as required by §13-607.A.
- F. Road financial security, as required by §13-607.B.
- G. Insurance certificates complying with §13-610 hereof.
- H. If applicable, proof of a written timber sales contract between the property owner and logging company.

All documents should be submitted to the Township prior to requesting a review of the timber harvest plan and the accompanying documents. The timber harvest plan shall be available at the harvest site at all times during the operation and shall be provided to the Code Official upon request. [Ord. 656]

2. Each logging plan shall include a sketch map or drawing containing the following information:

- A. Location map.
- B. North arrow.
- C. Contours as shown on a USGS topographical map.
- D. Location of any preexisting roads/right-of-way, easements, streams and property lines. It shall also include the location of proposed roads or access/egress cartways.
- E. Site location and boundaries, including both the boundaries of the property on which the timber harvest will take place, the boundaries of the proposed harvest area within that property and the cutting block subdivisions of the site.
- F. Total acreage.
- G. Areas of trees to be harvested must be depicted.
- H. Cutting block subdivision of the site.
- I. Significant topographic features related to potential environmental problems.
- J. Location of all earth disturbance activities such as roads, landings and water control measures and structures.
- K. Location of all crossings of waters of the Commonwealth.
- L. The general location of the proposed operation to municipal and State

highways, including any accesses to those highways.

M. Location of any areas identified as unstable soils.

3. The timber harvest plan, prepared by a professional forester hired by the property owner and/or applicant, shall show the following:

A. The point of access onto public road(s) where the aggregate entrance is to be placed; log landing areas, stream crossings and logging trails. [Ord. 656]

B. Areas of trees to be harvested must be designated by the cutting block phase numbers. The phase number shall depict the order of harvesting.

C. Design, construction, maintenance and retirement of the access system including haul roads, skid roads, skid trails and landings.

D. Design, construction and maintenance of water control measures and structures such as culverts, broad-based dips, filter strips and water bars.

E. Design, construction and maintenance of stream and wetland crossings.

F. The type and rate of seeding/mulching to be used and where it will be placed to stabilize the soil after logging operations.

G. A wetland determination statement and a Pennsylvania Natural Diversity Inventory Search Form shall be submitted with the plan.

(Ord. 574, 8/4/2004; as amended by Ord. 656, 4/9/2015)

§13-609. Fees.

All applications for logging permits under this Part shall be accompanied by a permit fee in an amount as set from time to time by resolution of the Board of Supervisors. No application shall be accepted as complete by the Township or acted upon unless the appropriate fees have been paid to the Township.

(Ord. 574, 8/4/2004; as amended by Ord. 656, 4/9/2015)

§13-610. Insurance.

Prior to commencing logging operations, the applicant shall procure and maintain adequate insurance in an amount of least \$1,000,000 to protect it from claims for damages because of bodily injury, including death, and from claims of damages to property which may arise both out of and during logging operations, whether such operations be by itself or by any contractor, agent subcontractor, or anyone directly or indirectly employed by it or them. A certificate of insurance in this amount shall be filed with the Township prior to commencement of logging operations, which certificate and/or related policy endorsement shall state that the Township shall be given prior written notice of cancellation of such insurance as follows: (A) at least 10 days prior written notice for nonpayment of premium; and (B) at least 30 days prior written notice for any other reason. The Township shall be named as an additional insured on all policies of insurance described in this Section and the applicant shall provide proof of this additional insured status in the form of a policy endorsement acceptable to the Township. Prior to commencing logging operations, the applicant shall procure and maintain workers' compensation insurance as required by State law.

(Ord. 574, 8/4/2004; as amended by Ord. 656, 4/9/2015)

§13-611. Action on Application.

1. The Township Forester and Township Engineer shall examine the logging permit application and related required information to determine compliance with all applicable Township regulations and ordinances within 45 days after all necessary filing and required information has been submitted. The Township Engineer shall either approve or reject said application within that time frame. If application is rejected, the Township representatives shall inform the applicant, in writing, stating the reasons for such rejection.

2. *Review of Application by Others.* The Code Official may submit a copy of all plans and applications for proposed logging for review and comment to any other appropriate persons or agencies, i.e., the Township Forester, Commonwealth of Pennsylvania, Department of Conservation and Natural Resources, Bureau of Forestry; Fish and Boat Commission; Bureau of Dams and Waterways Management, etc. The application will also be available to the public for inspection at the Township municipal building during regular business hours.

(Ord. 574, 8/4/2004; as amended by Ord. 656, 4/9/2015)

§13-612. Inspection; Stop-Work Orders.

From time to time as he may deem advisable, the Code Official shall inspect the work done under the approved plans, specifications, timing schedule and logging permit. Whenever the Code Official finds that work under any logging permit fails to conform to the approved plans, specifications and timing schedule, he may as he deems reasonably necessary in reliance upon the criteria set forth in this Part, by written order, direct suspension of other work until conformance has been achieved or direct such other measures that he deems reasonably necessary in the circumstances for control of erosion and sedimentation on the site and for compliance with this Part.

(Ord. 574, 8/4/2004; as amended by Ord. 656, 4/9/2015)

§13-613. Appeals.

1. Any applicant or person aggrieved by a decision of the Code Official and/or the Township or a notice or order issued under this Part shall have the right of appeal to the Township Board of Appeals established by the Construction Code [Chapter 5, Part 1], provided that a written application for an appeal is filed within 10 days after receipt of said decision, notice or order, along with payment of an appeal hearing fee in an amount set from time to time by resolution of the Board of Supervisors. An application for appeal shall be based on a claim that the true intent of this Part or the rules legally adopted hereunder have been incorrectly interpreted, or the provisions of this Part do not fully apply. All appeals before the Township Board of Appeals under this Part shall proceed under the regulations and procedures established in the Construction Code [Chapter 5, Part 1].

2. All appeals from decisions of the Township Board of Appeals rendered pursuant to this Section shall be taken to the Court of Common Pleas of Allegheny County and shall be filed within 30 days after entry of the decision as provided in 42 Pa.C.S.A. §5572 (relating to time of entry of order).

(Ord. 574, 8/4/2004; as amended by Ord. 656, 4/9/2015)

§13-614. Liability.

Neither the issuance of logging permits under the provisions of this Part nor the compliance with the provisions hereto or with any conditions imposed by the Township hereunder shall relieve any person from the responsibility for the damage to any persons or property otherwise imposed by law, nor impose any liability upon the Township for damages to persons or property. Nothing in this Part is to be interpreted as eliminating or reducing the immunities (statutory or common law/traditional) enjoyed by the Township of its elected or appointed officials.

(Ord. 574, 8/4/2004; as amended by Ord. 656, 4/9/2015)

§13-615. Violations and Penalties.

Any person, firm, or corporation who shall violate any provision of this Part, or fails to comply therewith, or with any of the requirements thereof, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$300 nor more than \$1,000 plus costs, including reasonable attorney fees incurred by the Township, and, in default of payment of said fine and costs, to a term of imprisonment to the extent permitted by law for the punishment of summary offenses. A separate offense shall arise for each day or portion thereof in which a violation of this Part is found to exist and for each section of this Part found to have been violated. The Township may also commence appropriate actions in equity or other to prevent, restrain, correct, enjoin, or abate violations of this Part. All fines and penalties collected for violations of this Part shall be paid to the Township Treasurer. The initial determination of ordinance violation is hereby delegated to the Township Manager, the Police Department, the Code Official, the authorized designee of the Township Manager, and to any other officer or agent that the Township Manager or the Board of Supervisors shall deem appropriate.

(Ord. 574, 8/4/2004; as amended by Ord. 656, 4/9/2015)

§13-616. Applicability; Interpretation.

When provisions of this Part conflict with other applicable regulations, codes or laws, the more stringent regulation or legislation shall apply. Furthermore, this Part is to be interpreted and applied, to the extent possible, so that it meets all Federal and State constitutional requirements and statutory requirements. If any aspect of this Part is finally determined to violate constitutional and/or statutory requirements, through the process of appellate litigation, that aspect of this Part shall be deemed excised or reformed to the extent necessary to cause the remainder of this Part to remain legally enforceable.

(Ord. 574, 8/4/2004; as amended by Ord. 656, 4/9/2015)

[Chapter 11]. The following fees are established pursuant to the Historic District Ordinance (Chapter 11 of the Moon Township Code of Ordinances, Historic Districts, as amended) and Chapter 1, Part 8 of the Moon Township Code of Ordinances, Fees for Township Services, as amended.

A. Certificate of Appropriateness

- 1) Application Fee No Charge

B. Consultant Fees

- 1) Applicant shall comply with the requirements of §7 hereof.

C. Deposit

- 1) Applicant shall comply with the requirements of §8 hereof.

14. JUNKYARD ORDINANCE

[Chapter 13, Part 4]. The following fees are established pursuant to the Junkyard Ordinance (Chapter 13, Part 4 of the Moon Township Code of Ordinances, Junkyards, as amended).

A. License Fee

- 1) Application Fee (includes Investigation Fee)\$500
2) Annual License Renewal Application Fee.....\$150
3) License Transfer Application Fee.....\$150

B. Consultant Fees

- 1) Applicant shall comply with the requirements of §7 hereof.

C. Deposit

- 1) Applicant shall comply with the requirements of §8 hereof.

15. LIQUOR LICENSE TRANSFER ORDINANCE

[Chapter 13, Part 5]. The following fees are established pursuant to the Liquor License Transfer Ordinance (Chapter 13, Part 5 of the Moon Township Code of Ordinances, Liquor License Transfer, as amended).

A. Application Fee

- 1) Application Fee (includes Investigation Fee)\$200

B. Consultant Fees

- 1) Applicant shall comply with the requirements of §7 hereof.

C. Deposit

- 1) Deposit (subject to the requirements of §8 hereof).....\$800

16. LOGGING ORDINANCE

[Chapter 13, Part 6]. The following fees are established pursuant to the Logging Ordinance (Chapter 13, Part 6 of the Moon Township Code of Ordinances, Logging, as amended).

A. Logging Permit

- 1) Application Fee\$500

B. Performance Security

- 1) Fee \$500 per acres of soil disturbance

Note: This performance security is subject to the requirements of §13-607 of the Logging Ordinance. Pursuant to that Section, the amount of the performance security may be increased by the Township Engineer.

C. Consultant Fees

- 1) Applicant shall comply with the requirements of §7 hereof.

D. Deposit

- 1) Subject to the requirements of §8 hereof\$3,000

17. MCA-TV

The following fees are established for Moon Community Access Television (MCA-TV) services pursuant to Chapter 1, Part 8 of the Moon Township Code of Ordinances, Fees for Township Services, as amended.

A. Production

- 1) Studio Rental \$200 per hour
(2-hour minimum)
- 2) Location
- a) DVCPRO Camcorder..... \$200 per day
 - b) MiniDV/AVCHD Camcorder..... \$100 per day
 - c) Operator \$50 per day
 - d) Lighting \$50 per day
 - e) Portable Audio Equipment \$100 per day

B. Post-Production

- 1) Non-linear editing AVID\$150 per hour
- 2) Non-linear editing Premier\$150 per hour
- 3) Narration\$100 per hour
- 4) Music Track.....\$20 per hour
- 5) Computerized Graphics,
 3D Animations..... To be established based on a specific scope of work

C. Duplication

- | | <u>1-9 Copies</u> | <u>10 or more copies</u> |
|-----------------|-------------------|--------------------------|
| 1) DVD..... | \$20 each | \$15 each |
| 2) BluRay | \$30 each | \$20 each |

18. MISCELLANEOUS FEES

The following fees are established pursuant to Chapter 1, Part 8 of the Moon Township Code of Ordinances, Fees for Township Services, as amended.

A. Fire Reports \$15 per report

Note: Fire reports are available from the Township Fire Chief's office in the Public Safety Building (weekdays 8:30AM to 4:30PM).

B. Municipal Lien Letter \$15 per letter

C. Photocopies and Reproductions

- 1) Standard Copy