

*Township of Raccoon, PA
Monday, October 10, 2022*

Chapter 168. Timber Harvesting

[HISTORY: Adopted by the Board of Supervisors of the Township of Raccoon 10-10-2017 by Ord. No. 2017-3. Amendments noted where applicable.]

§ 168-1. Title.

This chapter shall be known as the "Timber Harvesting Ordinance."

§ 168-2. Adoption and enactment authority.

The Board of Supervisors enacts and ordains the herein chapter by the authority granted it as specified by P.L. 486, Section 1, as amended; P.L. 73, Section 1; re-enacted and amended P.L. 288, No. 88, Section 1, immediately effective; P.L. 94, No. 40, Section 1; as amended P.L. 202, No. 53, Section 2(a) [1133]; as amended P.L. 105, No. 20, Section 1, P.L. 1329, No. 170, Section 2, et seq.

§ 168-3. Purpose.

- A. To recognize that forest management and tree harvesting is an important legitimate activity in the forestland of Raccoon Township, Beaver County, Pennsylvania.
- B. To provide for the regulation of such activity to ensure:
 - (1) That long-term production of forest crops and benefits 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.

§ 168-4. Intent.

It is the intent of this chapter to regulate timber harvesting practices and to allow for and encourage proper forest management within Raccoon Township. This chapter is not intended to prescribe specific cutting practices; or to prevent or hinder any landowner from realizing financial return from the sale of trees; or to prevent or hinder tree harvesting or forest industry operators from pursuing their business within this jurisdiction. It is not the intent of this chapter to regulate timber harvest for home use, noncommercial timber stand improvement work, or for a land use change. The sale of dead trees, standing or on the ground, for cordwood by the property owner does not constitute a commercial sale and is not regulated by this chapter. The property owner must comply with the regulations referred to under § 168-9B of this chapter, regardless if a logging permit is necessary, in regards to earth disturbance or stream crossings.

§ 168-5. Definitions.

The following words are defined as they are used in this chapter:

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.

CLEAR CUT

A harvesting and regeneration technique that removes all trees, regardless of size, on an area in one operation.

FOREST TECHNICIAN

A person who has a two-year degree in forestry from a two-year school of forestry associated with or accredited by the Society of American Foresters.

INTERMITTENT STREAM

A stream whose water flow normally occurs in the wetter parts of the year (October through April) or following major stream events.

LAND USE CHANGE

Conversion of forestland to uses such as residential, commercial, industrial, etc., where forest management practices relative to timber production and harvesting are no longer practical.

LANDING

A place where logs are assembled for transportation in loads.

LITTER

Discarded items not naturally occurring on the site (i.e., tires, oil cans, etc.).

LOGGING PLAN

A written description with a map of a specific logging operation prepared before the operation commences.

LOPPING

To cut tops and slash into smaller pieces to allow material to settle close to the ground.

NONCOMMERCIAL TIMBER STAND IMPROVEMENT

A practice in which the quality of the residual forest stand is improved by removing the less desirable trees, vines, and occasionally large shrubs to obtain the preferred stocking of the best quality trees. It can also include such practices as tree pruning. A noncommercial timber stand improvement is involved with the removal of the above-mentioned trees, etc., but does not yield a net income, usually because the trees cut are too small, poor quality, or not marketable.

OPERATOR

The individual, partnership, company, firm, association, or corporation engaged in the harvest of timber including his/her agents, or subcontractors, or employees.

OWNER

The individual, partnership, company, firm, association, or corporation engaged in the harvest of timber including his/her agents, or subcontractors, or employees.

PERENNIAL STREAM

A stream whose water flow normally occurs year-round.

PERMIT

Written permission, warrant, or license granted by a governmental authority.

PROFESSIONAL FORESTER

A person who has a 13.S or higher degree in forestry from a four-year school of forestry associated with or accredited by the Society of American Foresters.

SKIDDING

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

SLASH

Woody material left after logging, including logs, chunks, bark, branches, stumps, and broken understory trees or brush.

STAND PRESCRIPTION

The type of forest management treatment, if any, to be applied to a particular stand to achieve the stated management objectives. The stand prescription should include, but not be limited to, detailed instructions on how that treatment is to be carried out on the ground, the desired residual stand, and details on any other treatments to be applied.

STAND REGENERATION TREATMENT

A selection, shelterwood, seed tree, or clear-cut that is designated to replace the existing stand with a new stand of young trees.

STREAM

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

TOPS

The upper portion of a felled tree not merchantable because of small size, taper, or defect.

TREE HARVESTING (also timber harvesting/logging)

The terms "tree harvesting," "timber harvesting" and "logging" are used interchangeable herein, and defined as the act of cutting and removing trees and all activities related thereto, for cordwood, for lumber, for pulp or for any commercial purpose, excepting therefrom a landowner cutting on his own property for his own use, the cultivation and harvesting of Christmas trees, operation of a nursery, or the clearing for development of building sites where such development is otherwise subject to the Township grading, landfill, excavation, subdivision and land development regulations.

TROUT STREAM

Any cold-water stream which supports a trout fishery that is managed, stocked, or regulated by the Pennsylvania Fish Commission.

§ 168-6. Applicability.

The provisions and requirements of this chapter shall apply to all tree harvesting operations within the Township.

§ 168-7. Responsibility.

It shall be the responsibility of each landowner on whose land tree harvesting is to be carried out to develop or have developed the logging plan and submit notification as required in this chapter. It shall be the joint responsibility of the landowner and the operator to see that they carry out the provisions of the logging plan.

§ 168-8. Application.

Application for a timber harvesting permit shall be on a form prescribed by the Township and must be signed by the landowner and by the logging operator. The completed application must be submitted at least 15 days prior to the Supervisors regular monthly meeting with the following items attached:

- A. Logging plan meeting all requirements under § 168-9.
- B. Proof of ownership.
- C. PennDOT or Township driveway permit for all access roads if applicable.
- D. All adjacent property owners must be notified of the intent to log. Submit a list of the landowners contacted including proof of mailing.
- E. Proof of liability insurance coverage with combined limits of coverage of no less than \$1,000,000, which shall list the property owner and Township.
- F. Proof of workers' compensation insurance coverage.
- G. Nonrefundable application fee in the amount of \$250; this fee may be changed from time to time by resolution of the Board of Supervisors.
- H. Deposit in the amount of \$1,000 to cover all cost including, but not limited to, legal, engineering and forester services. This fee may be changed from time to time by resolution of the Board of Supervisors.
- I. Excess weight permit application. The landowner and the operator shall be responsible for repairing any damage to the Township roads caused by traffic associated with the timber harvesting operation. If the proposed route will be utilizing Township roads, and the tonnage will be exceeded, an excess weight permit will be required including a bond in an amount specified by the Township Engineer.

§ 168-9. Regulations.

- A. A logging plan shall be prepared for each harvesting operation within Raccoon Township by a professional forester or forest technician. The plan must be reviewed and approved by the Beaver County Conservation District or Department of Environmental Protection.
- B. Such plan will address all applicable erosion and sedimentation control and stream crossing regulations under Chapter 102, Erosion Control Rules and Regulations, issued under Act of June 22, 1937 (Clean Streams Law),^[1] and Chapter 105, Dam and Waterway Management Rules and Regulations, issued under Act of 1978, P.L. 1375, No. 325 (Dam Safety and Encroachments Act),^[2] as amended, or subsequent applicable legislation.

[1] Editor's Note: See 35 P.S. § 691.1 et seq.

[2] Editor's Note: See 32 P.S. § 693.1 et seq.

- C. Points that shall be addressed by the logging plan, include the following as a minimum:
 - (1) Design of the road system.
 - (2) Water control structures.
 - (3) Stream crossings.
 - (4) Log landings.
 - (5) Haul roads, skid roads, and skid trails.
 - (6) Maintenance of items in Subsection C(1) through (5).
 - (7) Road and log landing retirement.

- (8) The general location of the anticipated operation in relation to municipal and state highways.
 - (9) The location of property boundaries for the tract on which the logging will take place and the boundaries of the proposed harvest area.
 - (10) A cutting practice or stand prescription for each stand located in the proposed harvest area.
 - (11) Copies of all required permits shall be submitted as an appendix to the logging plan.
- D. The plan required by the rules and regulations referred to in § 168-9B above shall satisfy the requirements of this chapter if all points under § 168-9C, including points in Subsection C(8), (9) and (10), are addressed.
- E. The plan will be available at the timber harvesting site.
- F. The erosion and sediment control and stream crossing requirements addressed in the logging plan shall be followed at all times during the operation.
- G. General operational requirements. The following requirements shall govern all timber harvesting activity:
- (1) Felling or skidding on or across any public thoroughfare is prohibited without the express written consent of the municipality or the Pennsylvania Department of Transportation, whichever is responsible for maintenance of said thoroughfare.
 - (2) No tops or slash shall be left within 25 feet of any public thoroughfare.
 - (3) All tops and slash between a distance of 25 feet and 50 feet from a public thoroughfare and/or a property boundary shall be lopped to a maximum height of four feet above the surface of the ground.
 - (4) No tops or slash shall be left within 25 feet of a property boundary without the consent of the adjoining landowner.
 - (5) Litter resulting from any logging operation shall be cleaned up and removed from the site before it is vacated by the operator.
 - (6) Streamside logging shall be conducted in accordance with all applicable laws, and subject to the following:
 - (a) Selected trees may be cut within 50 feet of any stream. However, no tops or slashes may be left within such area.
 - (b) A fifty-percent canopy must be maintained within the fifty-foot buffer zone from the stream.
 - (c) Streams may not be crossed at any time unless an appropriate permit is obtained from the Pennsylvania Department of Environmental Protection.
 - (7) Because trout streams are an important natural resource which need special protection, logging within 75 feet of each side of trout streams is prohibited unless all of the following conditions are met:
 - (a) The basal area of trees in that area within the seventy-five-foot zone shall not be reduced below 50% of the basal area present before cutting or below 65 square feet per acre, whichever is higher.
 - (b) Trees to be cut within the seventy-five-foot zone described shall be marked above and below stump height with tree marking paint prior to the start of logging.
 - (c) The name and location of all trout streams which cross the area to be logged must be clearly indicated on the logging plan map.

- (8) No commercial sale of forest products including, but not limited to, wood or logs shall be permitted on site.
- (9) All property boundaries and the specific logging area must be visibly marked with two different colors of survey tape.
- (10) There shall be no trespassing upon adjacent properties.
- (11) The operator shall be responsible for removing all mud and debris caused by the logging operation from any Township road within 24 hours.

§ 168-10. Enforcement.

- A. The enforcement officer designated by the Township may go upon the site of any tree harvesting operation before, during, and after the active logging to review plans and other required documents to ensure that such plans and documents are in compliance with the provisions of this chapter and to ensure that the actual operation is proceeding in compliance with these plans. It is recommended that the landowner or landowner's representative be contacted and invited to be present during the inspection.
- B. Any logging operation found to be proceeding without a logging plan as described in this chapter shall immediately cease operations and shall not resume until a plan is prepared and submitted to the Township enforcement officer for his/her approval.
- C. When any operator is found to be violating any provision of this chapter, the Township enforcement officer shall provide the operator and the landowner or landowner's representative with a written statement describing each violation and specifying a date by which corrective action must be taken.
- D. When the Township enforcement officer finds a condition in a logging operation to be causing an immediate environmental risk, he shall immediately order operations to cease, and contact the Beaver County Conservation District and request an inspection of the site to ensure compliance with the rules and regulations referred to under § 168-9B of this chapter.

§ 168-11. Violations and penalties.

Any landowner or operator who violates any provision of this chapter is guilty of a summary offense, and upon conviction, such landowner or operator shall be subject to a fine of \$500. Each day that a violation continues shall constitute a separate violation of this chapter.

§ 168-12. Severability.

The articles, sections, subsections, sentences, clauses, phrases and provisions of this chapter are severable and if any of the articles, sections, subsections, sentences, clauses, phrases and provisions hereof are for any reason held by a court of competent jurisdiction to be invalid, such decision so holding that provision or provisions invalid shall not affect and shall not be construed to affect or impair the remaining provisions of this chapter which were not to be invalid. It is the declared intent of the Board of Supervisors of Raccoon Township that this chapter would have been adopted had such provision or provisions held invalid not been included therein.

§ 168-13. Inconsistent ordinances; repealer.

All other ordinances or parts of ordinances inconsistent with the provisions of this chapter shall be and the same hereby repealed to the extent that they are inconsistent with the herein chapter.

§ 168-14. When effective.

This chapter is effective five days after its enactment.