

**§ 460-101. Forestry regulations. [Added 4-11-2017 by Ord. No. 7-2017]**

- A. Purpose. In order to conserve forested open space and the environmental and economic benefits it provides, it is the policy of Upper Tulpehocken Township to encourage the owners of forest land to continue to use their land for forestry purposes, including the long term production of timber, recreation, wildlife, and amenity values. The forestry regulations contained herein are intended to further this policy by: promoting good forest stewardship; protecting the rights of adjoining property owners; minimizing the potential for adverse environmental impacts; and avoiding unreasonable and unnecessary restrictions on the right to practice forestry. Forestry, as defined in § 460-6, shall be permitted in any zoning district in the Township as a use permitted by right, subject to the regulations contained in this section, and to applicable federal and state laws and regulations.
- B. Applicability. All forestry, as defined in § 460-6, shall be conducted in compliance with the regulations set forth herein, and in compliance with applicable federal and state laws and regulations. The following activities shall not be considered subject to the requirements of this Part 1, although other laws, regulations and ordinances may apply:
- (1) Clearing for a single-family residential dwelling.
  - (2) Clearing for farming operations.
  - (3) The cutting of diseased trees.
  - (4) Property owner cutting on owner's own property, for personal, family, or household use.
  - (5) Noncommercial timber stand improvements.
  - (6) Clearing pursuant to a land development plan approved by the Township.
  - (7) Cutting of trees for precommercial timber stand improvements.
  - (8) Timber harvesting operations proposed on any property resulting in an earth disturbance of less than 5,000 square feet.
- C. Zoning permit. For any forestry activities subject to the requirements of this section, a zoning permit from the Township will be required. Said zoning permit shall not be issued until the applicant has obtained Berks County Conservation District approval for a timber harvesting operation and has presented the approved plan to the Township.
- D. Notification of commencement and expected completion of timber harvesting. for all timber harvesting operations that are expected to disturb 5,000 square feet of earth or more, the landowner shall notify the Township Zoning Officer at least 10 business days before the operation commences and within five business days before 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 the timber harvesting will occur, the expected size of the harvest area, and, as applicable, the anticipated starting and completion date of the operation.
- E. Logging plan. Every landowner on whose land timber harvesting is to occur shall prepare a written logging plan in the form specified by the Berks County Conservation District, and as

set forth below, in addition to the requirements for a zoning permit and other applicable requirements. The logging plan shall comply with the following:

- (1) Logging plan requirements. Every landowner on whose land timber harvesting is to occur shall obtain a zoning permit. The applicant shall prepare and submit a written logging plan in the form specified below. No timber harvesting shall occur until a zoning permit has been issued.
  - (a) Minimum requirements. At a minimum, the logging plan shall include the following:
    - [1] Design, construction, maintenance, and retirement of the access system, including haul roads, skid roads, skid trails, and landings;
    - [2] Design, construction, and maintenance of water control measures and structures, such as culverts, broad-based dips, filter strips and water bars;
    - [3] Design, construction, and maintenance of stream and wetland crossings; and
    - [4] The general location of the proposed operation in relation to municipal and state roads, including any accesses to those roads.
  - (b) Map. Each logging plan shall include a sketch map or drawing containing the following information:
    - [1] 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 the property;
    - [2] Significant topographic features related to potential environmental problems;
    - [3] Location of all earth disturbance activities, such as roads, landings, and water control measures and structures;
    - [4] Location of all crossings of water of the commonwealth; and
    - [5] The general location of the proposed operation to municipal and state roads, including any accesses to those roads.
  - (c) Compliance with state law. The logging plan shall show how it will comply with the requirements of all applicable state regulations, including, but not limited to, the following:
    - [1] Erosion and sedimentation control regulations contained in Title 25, Pennsylvania Code, Chapter 102, promulgated pursuant to the Clean Streams Law;<sup>1</sup> and
    - [2] Stream crossing and wetlands protection regulations contained in Title 25, Pennsylvania Code, Chapter 102, promulgated pursuant to the Dam Safety and Encroachments Act.<sup>2</sup>

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

F. Required forest practices. The following requirements shall apply to all timber harvesting operations:

- (1) 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 maintenance of the thoroughfare;
- (2) No tree tops or slash shall be left within 25 feet of any public road, or private roadway providing access to adjoining residential property;
- (3) All tree tops or slash shall be between 25 feet and 50 feet from a public roadway, or private roadway providing access to adjoining residential property, or within 50 feet of adjoining residential property, shall be lopped to a maximum height of four feet above the ground;
- (4) No tree tops or slash shall be left on or across the boundary of any property adjoining the operation without the consent of the owner thereof; and
- (5) Litter resulting from a timber harvesting operation shall be removed from the site before it is vacated by the operator.

G. Enforcement.

- (1) Township Zoning Officer. The Zoning Officer shall be the enforcement officer for this section regarding forestry.
- (2) Inspections. The Zoning Officer may go upon the site of any timber harvesting operating before, during, or after active logging to review the logging plan or any other required documents for compliance with this section, inspect the operation for compliance with the logging plan, and other on-site requirements of these regulations.
- (3) Violation notices; suspensions. Upon finding that a timber harvesting operation is in violation of any provision of this section or the logging plan, Zoning 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. Zoning Officer 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 logging 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 Zoning Officer, the operation is brought into compliance with this section or other applicable statutes or regulations. The landowner or the operator may appeal an order or decision of an enforcement officer within 30 days of issuance to the Zoning Hearing Board of the Township. The provisions of this section are in addition to all enforcement remedies available under the Township Zoning Ordinance, and the penalties for violations herein shall be as set forth in § 460-115 of this Part 1.