

8. All storage and operational areas shall be secured during nonbusiness hours.
9. The owner(s) and operator(s) shall incorporate best management practices as outlined in the Pennsylvania Handbook of Best Management Practices to minimize negative impacts of erosion, siltation and surface water and groundwater contamination.
10. The applicant shall submit a report describing the BMP's that will be used on the site and notify the Borough whenever a change is made to those BMP's.
 - a. Whenever a change is made to the BMPs used on the site, the owner and operator shall certify that the new BMPs provide equal or greater pollution prevention protection than the former management practice.
11. No salvage yard business shall be:
 - a. Open from 9:00 p.m. to 6:00 a.m. daily.
12. The owner and operator of the facility shall be responsible for the conduct and safety of the employees, customers, visitors.
13. No salvage yard business shall utilize a local road for access to, or egress from the site.
14. Ingress, egress, and internal traffic circulation shall allow for emergency access by firefighting equipment.
 - a. Aisles of a minimum width of twenty five (25) feet shall be maintained.

Section 2907 Compliance and Non-Conforming Use

- A. Existing salvage yards that have maintained a permit (license) for a minimum of five (5) years prior to the adoption of this Ordinance shall be permitted.
- B. All other existing salvage yards or areas used to store materials as enumerated in Section 2900 above shall comply with, or show a plan to comply with, the provisions and requirements of this Ordinance within one (1) year of its' enactment.

ARTICLE 30

TIMBER HARVESTING/ LOGGING

Section 3000

Purpose

- A. Unless otherwise stated, the term Timber Harvesting shall apply to all areas in which the following occur; timber harvesting, logging, forestry, woodland reduction, and the maintenance and management of said areas.
- B. The purpose of this Article is to:
 1. Protect, preserve, or conserve open land, natural resources, forests and woodlands within the Borough.
 2. Promote forestry, utilizing best practices as a sound and economically viable use of forested land throughout this Borough,
 3. Encourage sustainable timber harvesting within the Borough.
 4. Maintain and sustain existing forests and the long-term benefits that derive from them.
 5. 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 Borough.
 6. Promote good forest stewardship;
 7. Protect the rights of adjoining property owners;
 8. Minimize the potential for adverse environmental impacts.

9. Allow forestry activities, including, but not limited to, timber harvesting, in all zoning districts in accordance with the requirements of the Pennsylvania Municipal Code and this Ordinance.

C. Timber Harvesting as defined in this Ordinance is any activity that removes timber products that annually exceeds five (5) acres of harvest area.

D. Exclusions.

1. Forests and timberlands subject to residential or commercial development shall be regulated under the Borough Subdivision and Land Development Ordinance, (SALDO).
2. Timber Harvesting shall not include small-scale tree removal for personal purposes.
3. Timber removal for the purpose of agricultural operation.

E. Timber Harvesting shall be a Permitted use with Special Regulations in all zoning districts.

1. Requirements included within this Article and Article 20 and Article 21 shall apply.

Section 3001 Special Regulations for Timber Harvesting

A. Timber Harvesting is permitted with Special Regulation in all districts.

Section 3002 Special Regulations

A. Special Regulations

1. The Borough shall be notified of the commencement and completion of all Timber Harvesting Operations.
2. Every landowner on whose land Timber Harvesting is to occur upon shall prepare a written Timber Harvesting (Logging) Plan.
 - a. All activities pertaining timber harvesting must occur within the areas defined by the owner or developer and shown on a Timber Harvesting Plan.
 - b. All timber harvesting uses are required to follow special regulations as approved by the Borough Council.
3. The Timber Harvesting Plan shall be submitted to the Borough thirty (30) days prior to the initiation of activities, and shall include such maps and written documentation to show:
 - a. The parcel or parcels of land or portions thereof upon which the logging or timber harvesting is to be conducted;
 - b. Vicinity or location map or other suitable data to sufficiently designate or identify the location of the proposed logging or timber harvesting site;
 - c. The size/ acreage of the harvest area;
 - i. The harvest operation shall be identified in relation to natural features, community resources, environmentally sensitive areas, and existing residential and commercial developments.
 - d. The manner in which the timber harvesting will be conducted.
 - i. The plan shall be consistent with accepted silvicultural principles and with all State regulations.

- ii. The plan shall incorporate any State mandated erosion and sedimentation provisions and requirements.
 - iii. The plan shall describe the construction, maintenance, and retirement of:
 - a. The access system, including haul roads, skid roads, skid trails, and landings;
 - b. Water control measures and structures such as culverts, broad-based dips, filter strips, and water bars;
 - c. Stream and wetland crossings.
 - e. The duration of the harvesting operations;
 - i. Anticipated commencement and completion dates may be adjusted due to weather, unforeseen conditions, and other reasonable circumstances.
 - f. Hours of operations;
 - g. Roadways and public corridors to be used;
 - i. The planned routes from the harvest site to State Roads or Interstates.
 - ii. A plan for cleaning and marinating public roadways during harvest operations.
 - iii. A bond may be required for use of Borough roadways and Borough maintained roadways.
 - h. Any state mandated erosion and sedimentation plan shall be incorporated into the logging plan.
4. The provisions of the Timber Harvesting Plan shall be followed throughout the harvesting operation.
- a. The plan shall be available at the harvest site at all times during the operation and shall be provided to the Borough Engineer or Borough Zoning Officer upon request.
5. The landowner and the operator shall be jointly and severally responsible for:
- a. Complying with the terms of the Timber Harvesting Plan.
 - b. The provisions of Article 15, Article 16, and Article 17 of this Ordinance.
 - i. Requirements of these Articles may be modified if a plan showing the manner of implementation, mitigation, and remediation is submitted.
 - c. Repairing any damage to Borough 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.
- B. All standards and requirements in this Article shall be met and may be reviewed for compliance by the Zoning Officer, Borough Engineer or other entity designated by Borough Council.
- C. In all cases Best Management Plans shall be used in the execution of timber harvesting operations.

Section 3003**Setbacks**

- A. Timber harvesting operations shall be setback fifty (50) feet from any residential use.
 - 1. Upon written consent of the adjoining property owner(s) timber harvesting activities may be reduced up to the property line.

- a. The signed consent must be included in timber harvesting plan.
- B. Timber harvesting operations shall be setback twenty-five (25) feet from any commercial or institutional use.
1. Upon written consent of the adjoining property owner(s) timber harvesting activities may be reduced up to the property line.
 - a. The signed consent must be included in timber harvesting plan.

Section 3004 Restrictions and Limitations

- A. Felling or skidding on or across any public thoroughfare or roadway is prohibited without the express written consent of the Borough or the Pennsylvania Department of Transportation, whichever is responsible for maintenance of the thoroughfare or roadway.
- B. No tree debris (tops or slash) shall be:
 1. Left within twenty-five (25) feet of any public thoroughfare, roadway, or private roadway that provides access to adjoining two (2) residential properties.
 2. Left on or across the boundary of any property adjoining the operation without the written consent of the owner.
- C. No tree debris (tops/ slash) or trees lopped higher than four (4) feet above the surface of the ground shall be left:
 1. Between twenty-five (25) and fifty (50) feet from a public roadway or private roadway that provide access to adjoining residential property;
 2. Within fifty (50) feet of adjoining residential property.
- D. No logging or timber harvesting shall take place in areas known or determined to be landslide-prone or flood-prone without a specific control and mitigation plan.
 1. Refer to Special Conditions in Article 15 and Article 16.
- E. Timber harvesting or loading that occurs upon or within the right-of-way of any public street or road within the Borough must be operated and conducted in a manner as not to interfere with or jeopardize vehicular or pedestrian travel by the members of the public.
- F. Littering resulting from a timber harvesting operation shall be removed from the site before it is vacated by the operator.
- G. No logging or timber harvesting may take place except upon the lands of the owned by the operator or permitted by the owner with signed written permission.

Section 3005 Enforcement

- A. The Borough Council shall appoint, name or otherwise authorize the Borough Engineer, Borough Zoning Officer, or such other individual or agency, known as the enforcement officer, to review, monitor, and enforce the provisions of this Article.
- B. Enforcement Officer
 1. The enforcement officer may go upon the site of any timber harvesting operation before, during, or after active logging to:
 - a. Review the logging plan or any other required documents for compliance.

- b. Inspect the operation for compliance with the Timber Harvesting Plan and other on-site requirements of these regulations.
2. The Enforcement Officer shall have the authority to:
 - a. Issue notice of suspension of operations for:
 - i. Any operation that has not filed a Timber Harvesting Plan when required to do so;
 - ii. An operation, activity, or lack of activity that is causing immediate harm to the environment.
 - b. Report violations of Federal, State, and County laws and regulations.
 - c. Require corrective action based on the Timber Harvesting Plan;
 - d. Issue citations and orders for remediation;
 - e. Verify corrective action has been taken;
 - f. Issue notice of suspension of operations upon finding that corrective action has not been taken by the date specified in a notice of violation;
3. 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 Borough enforcement officer, the operation is brought into compliance with this Article, the Timber Harvesting Plan and/ or other applicable statutes or regulations.

C. Enforcement and Penalties.

1. Any landowner or operator may be cited and fined for:
 - a. Not adhering to any provision of this Ordinance;
 - b. Not adhering to the Timber Harvesting Plan;
 - c. Failure to take steps to remediate violations identified by the enforcement officer;
 - d. Failure to comply with a notice of violation or suspension;
 - e. Refusing to allow the enforcement officer access to the harvesting site;
2. Upon finding that a timber harvesting operation is in violation of any provision of this Ordinance or the Timber Harvesting Plan the enforcement officer shall issue the operator and the landowner a written notice of violation describing each violation
 - a. Such notice shall specify a date by which corrective action must be taken.
3. The enforcement officer may order the immediate suspension of any activity deemed to be:
 - a. Unlawful,
 - b. Unsafe,
 - c. Immediately detrimental to the environment.
4. Citations shall be a summary offence.
 - a. Each day of continued violation of any written citation shall constitute a separate offense.
5. Upon conviction the landowner or operator shall be subject to a fine of:
 - a. Not less than one hundred (\$100) nor more than three hundred (\$300), plus costs, for each separate offense.
6. The Borough reserves the right to seek criminal penalties for continued violations or refusal to remediate said violations.

D. Appeals

1. The landowner or the operator may appeal an order or decision of an enforcement officer within thirty days of issuance to the Borough Council.