

§ 155-37.2. Forestry, timber harvesting, tree harvesting and logging.

- A. Forestry, timber harvesting, tree harvesting and/or logging shall be permitted within all underlying zoning districts, provided it is conducted in accordance with the provisions of this section of the Caln Township Code.
- B. A permit shall be required from Caln Township for any forestry, logging, timber harvesting and/or tree harvesting activities, whereas five or more trees per acre are removed from any lot or parcels per year. It shall be unlawful for any person to engage in any forestry, timber harvesting, tree harvesting and/or logging on any lot or parcel of land within Caln Township without first submitting a forest management plan and securing the proper permits. Unless otherwise required by Caln Township, the following permit application procedures and requirements shall apply:
- (1) A complete application and filing fee shall be submitted by the applicant or person engaged with the proposed forestry, timber harvesting, tree harvesting or logging activities, as imposed by resolution by the Board of Commissioners.
 - (2) A forest management plan of the property where the proposed forestry, timber harvesting, tree harvesting or logging activity shall occur which includes the following:
 - (a) An identification of the concerned property; the legal owners of the property; the mailing address(s) and phone number(s) of the legal property owners, operators and applicant at which they can be reached during normal business hours.
 - (b) The property's boundaries as well as the specific areas of the site on which the work is to be performed and describing existing and proposed improvements and features of the property and the area surrounding the site of the work, including topography, existing vegetation, watercourses, man-made features, the affected watersheds and other natural features.
 - (c) A topographical survey of the site depicting topographic features, both existing and proposed, at a suitable scale of no less than one inch equals 50 feet and with contour intervals of no more than two feet, prepared by a registered surveyor or registered engineer, including a boundary line survey, the location and description of vegetative cover, soil types and other pertinent existing natural or man-made features.
 - (d) A complete description of the planned forestry, timber harvesting, tree harvesting or logging operation as well as a description of the planned replanting of the lot, as prepared and submitted by an approved forester. Where no replanting is planned, a statement from the approved forester describing the reasons why, in his opinion, the characteristics of the lot and vegetation situate thereon make natural regeneration appropriate or why such replanting is not otherwise necessary.
 - (e) An analysis by the approved forester of the soil erosion likely to occur as a result of the planned forestry, timber harvesting, tree harvesting or logging operation and recommended counter-erosion measures.
 - (f) A description of the counter-erosion measures that will be utilized by the

landowners.

- (g) A drawing showing the design, construction, maintenance and retirement of the access system, including haul roads, skid roads, skid trails and landings.
 - (h) The location of protective fencing for areas which will not to be harvested.
 - (i) An estimated starting and completion date for the timber harvesting, tree harvesting or logging activities.
 - (j) The location of the proposed temporary off-street parking and loading spaces which shall accommodate the maximum number of employees of the logging, timber harvesting or tree harvesting activities during the greatest shift.
- (3) A soil erosion and sediment control plan of the property where the proposed forestry, timber harvesting, tree harvesting or logging activity shall be submitted in accordance with the provisions of Chapter 137 of the Caln Township Code.
 - (4) A stormwater management plan of the property where the proposed forestry, timber harvesting, tree harvesting or logging activity shall be submitted in accordance with the stormwater management provisions of Chapter 137 of the Caln Township Code.
 - (5) Complete copies of any permits or licenses, as required by federal or commonwealth laws and regulations.
- C. The requirements of this section of the Code shall be in addition to rather than in substitution of those provisions of the Caln Township Subdivision and Land Development Ordinance (Chapter 137) relating to storm and surface drainage, grading and erosion control and stormwater management.
- D. Where applicable, a separate application shall be required for each permit. Three copies of all permit and plan documents, as referred to in this section, shall be submitted with each application, one of which, at the discretion of the Caln Township Zoning Officer or Engineer, shall be submitted to the Chester County Conservation District for review and comment.
- E. The following regulations shall apply to all forestry, timber harvesting, tree harvesting and logging operations within Caln Township:
- (1) Felling or skidding on or across any public road is prohibited without the express written consent of Caln Township or the Pennsylvania Department of Transportation, whichever is responsible for maintenance of the public road.
 - (2) No tops or slash shall be left within 25 feet of any public road right-of-way.
 - (3) All tops and slash, between 25 feet and 50 feet from a public road right-of-way or private road 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 surface of the ground.
 - (4) No tops or slash shall be left on or across the boundary of any property adjoining the operation.

- (5) Litter resulting from the forestry, timber harvesting, tree harvesting or logging operation shall be removed from the property at least once every seven days.
 - (6) All holes created in the course of any tree harvesting operation shall be filled to grade with soil.
 - (7) The total number of trees harvested over any three-year period may not exceed 65% of the total basal area per acre in interior areas, other than those described in this section.
 - (8) In areas within 50 feet of lot boundaries, the total number of trees harvested over any three-year period may not exceed 40% of the total basal area per acre in such area. Moreover, harvesting in these boundary areas may not be undertaken in such a manner as to concentrate most or all of the tree harvesting in portions of such boundary areas if the result thereof would be the harvesting of more than 40% of the trees in such portions.
 - (9) No timber harvesting, tree harvesting or logging operation shall occur within 100 feet of any watercourse.
 - (10) All land areas and properties which are used for timber harvesting, tree harvesting or a logging operation shall be reseeded in compliance with the forest management plan and erosion and sediment control plan required by the Caln Township Code.
 - (11) It shall be the responsibility of the landowner and operator to insure that tops and slash are appropriately disposed from the property and are not burned within the Township.
- F. The following provisions for inspections, permit fees and permit approval shall apply to all forestry, timber harvesting, tree harvesting and logging operations within Caln Township:
- (1) The Board of Commissioners shall, by resolution, establish a schedule of fees for all permit applications required by this section of the Code. The required fee shall be submitted with the application, which shall not be considered for approval until the application fee is paid.
 - (2) The Caln Township Engineer or Zoning Officer shall review the applicant's permit application, together with all plans, surveys, schedules, design criteria and other documents submitted or required to be submitted as part of the permit application procedure, together with any and all amendments thereto, and shall prepare a report of his findings and recommendations with respect to the same as he shall determine necessary prior to the issuance of any permit or permits. The cost of all such plan review and inspections shall be paid for by the applicant.
 - (3) To ensure payment of all review and inspection fees, at the time of application the applicant shall deposit with Caln Township a sum sufficient to cover the costs of such plan review, together with the cost of any inspections by the Caln Township Engineer or Zoning Officer.
 - (4) The Caln Township Engineer or Township Zoning Officer shall approve and issue all permits, and no work shall commence without the issuance of such permit approval.
- G. Any permit issued under this section may be revoked or suspended by the Caln Township Engineer or Zoning Officer after notice to the permit holder for:

- (1) Failure to comply with the terms specified by this section of the Code.
 - (2) A violation of any condition of the permit.
 - (3) Violation of any provision of this section of the Code or any other applicable law, ordinance, rule or regulation relating to the forestry, timber harvesting, tree harvesting or logging operations.
 - (4) Any conditions or activities conducted on the property which constitutes or creates a nuisance, hazard or endangers human life or the property of others.
- H. The landowner and the operator shall be responsible for repairing any damage to public or private roads caused by traffic associated with a forestry, timber harvesting, tree harvesting or logging operation. Pursuant to Title 67 Pennsylvania Code, Chapter 189, the landowner or operator shall furnish a bond in an amount determined by the Caln Township Engineer to guarantee the repair of such damages. The landowner and operator shall clean any mud or debris that is tracked onto public or private roads and shall be responsible for repairing berms, shoulders, swales and/or stormwater management facilities on public or private roads which may be damaged due to the timber harvesting, tree harvesting or logging operation. All soil and debris washed or carried onto public streets during timber harvesting, tree harvesting or logging operations shall be cleaned on a daily basis.
- I. The Caln Township Engineer, Zoning Officer or other designated professional may go upon the property where any forestry, timber harvesting, tree harvesting or logging operation is occurring to determine if the requirements of this section and of the permit, including conditions thereof, or to the plans and specifications submitted with the permit application, including modifications thereof, or to the approved runoff and erosion control plan are being followed. If Caln Township determines that the landowner or operator are not complying with permit application, supporting plans or other provisions established within this section of the Code, Caln Township shall send a written notice to the landowner, operator and applicant, which notice shall set forth the nature of corrections required and the time within which corrections shall be made. If the landowner, operator or applicant fails to comply with the notice in the time specified, the applicant shall be considered in violation of this section of the Code, in which case Caln Township is entitled to seek all appropriate remedies at law, including the penalty provisions established within the Caln Township Code.