

**OFFICIAL TOWNSHIP OF FORWARD  
COUNTY OF ALLEGHENY, PENNSYLVANIA**

**ORDINANCE NO. 13-7**

**AN ORDINANCE OF THE TOWNSHIP OF FORWARD, COUNTY OF ALLEGHENY,  
COMMONWEALTH OF PENNSYLVANIA, ADOPTING TIMBERING REGULATIONS.**

**Section 3. Minimum Standards.** The following shall be minimum standards for issuance of both minor and major timbering and logging permits:

- A. All timbering operations shall be by the selection method. Clear-cutting is prohibited.
- B. Timbering operations shall not be undertaken on any ground with a slope exceeding 25% nor in landslide or flood-prone areas.
- C. Removal of trees which have a DBH of more than 20 inches shall be reviewed by the Township Engineer before inclusion in any timbering operation.

This clause restricts the timber operation solely on the opinion of the Township Engineer. As seen below this is not permitted under the ACRE Act furthermore most township engineers are vaguely familiar with timber management practices and should not be permitted to make such decisions,

**Ordinance mandates that tree harvesting is permitted as a special exception or conditional use. The imposition of a special exemption process or conditional use for tree harvesting conflicts with and is preempted by the MPC, which provides that "timber harvesting, shall be a permitted use by right in all zoning districts in every municipality." 53 P.S. §10603(f). The MPC authorizes the imposition of a special exception in a zoning ordinance only in accordance with the provisions of the MPC. 53 P.S. §10603(c)(1). [Salisbury Township, Lehigh County, August 31, 2007; Municipality of Monroeville, Allegheny County, December 7, 2015]**

**Section 8. Application for major timbering permit; special conditions.**

- A. The crowns of the felled trees shall be reduced to firewood length and stacked unless they are removed from the site as they are cut. Branches less than four inches in diameter shall be processed to wood chips and remain on the site.

Large areas of wood chip will stifle regeneration of seedlings preventing the release to additional sunlight. In addition the chipping process would be cost prohibitive. Commercial chippers such as the CAT 12Xpc, large enough to handle hardwood tops are roughly \$70,000.

**Ordinance requires that all remaining tops and slash be removed from the site, or does not permit tops and slash to be left within a certain distance of various man-made and natural features such as streets, streams, trails driveways and drainage ditches, or limits the height of slash piles. In this case, the OAG consulted with a PSU School of Agriculture professor emeritus of forestry. This expert opines that tops/slash is an important component**

to timber harvest site productivity that should be left on site for several reasons. First, tops/slash contributes important elements back into the site. Secondly, tops/slash contributes immensely to organic material cycling which serves to release the micronutrients. If tops/slash are removed or collected in a concentrated area, the micronutrients do not come back into the nutrient cycle quickly or effectively. The tops/slash also help build the O-horizon. Tops/Slash has been shown to help facilitate forest regeneration by deterring deer browsing on actual trees. Much of the microorganism community depends on the habitat created by the tops/slash following harvesting. Another concern with the mandated removal of tops/slash is the impact on the site increases the amount of disturbance from the machinery used to gather and move the tops/slash. Doing this likely contributes to additional tree stem damage, soil compaction, organic matter disturbance, and the loss of habitat described above. While the cost of removing tops/slash is site and circumstance specific, in all cases, it presents the logistical challenge of how to gather it up, move it efficiently to a concentration point, and then chip it for removal from the site. Under any scenario, complete removal is expensive and could require specialized machinery. Tops and slash are good for the environment - not bad. For all these reasons, the township's requirement that tops/slash be removed or concentrated in various areas within the harvest site is a violation of state law as such a mandate constitutes an unreasonable restriction on forestry activities. [*East Brandywine Township, Chester County, December 21, 2018; Lower Saucon Township, Northampton County, February 15, 2019; Hellam Township, York County, August 15, 2020; Pine Township, Allegheny County, May 6, 2021*]

#### **Section 9. Notification of neighboring property owners.**

The applicant shall provide a list of names and addresses of all property owners within 1,000 feet of the property where an applicant intends to engage in a major timbering and logging operation. The applicant shall notify all affected property owners in writing of the proposed major timbering operation.

The 1000 feet is excessive and poorly defined; Is the 1000 feet measured from the center of property or from the boundary of the property? While the adjacent parcel owners would be well served with notification those not adjacent have no vested interest in the Timber Operation.

#### **Section 10. Action by Board of Supervisors.**

A completed application for a major timbering permit shall be approved or disapproved by the Township within 90 days of completion with all requirements of Ordinance. Failure to approve or disapprove a completed application for a major timbering permit shall not be considered a deemed approval of the completed application. The Township may impose reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to protect the health, safety and welfare of the Borough and its residents and property. This includes, but is not limited to, the imposition of bond and insurance requirements.

Ordinance stipulates that a timber harvesting permit is issued only after review/approval by the Municipal Engineer, Municipal Planning Commission, Code Enforcement Officer and/or the Council of the Municipality. These review requirements for issuance of a permit effectively change a timber harvesting operation from a permitted use by right to a conditional use, which is expressly prohibited by the MPC and AASL. 53 P.S. §10603(f).