

ARTICLE 20 TIMBER HARVESTING

SECTION 2000. Intent. The intent of this Article is to:

- A. Provide for the regulation of tree harvesting practices and to allow for and encourage proper forest management within the Township in order to ensure:
 - 3. That the right to harvest trees is exercised with due regard for the protection of the physical property of adjacent landowners.
 - 4. That the potential for negative environmental impacts resulting from improper tree harvesting is minimized.
 - 5. That the conditions outlined in and required by the Stormwater Management Act, Act No. 167 of 1978, 32 P.S. P680/1 et seq.; the Clean Streams Act, Act No. 222 of 1932, 35 P.S. P691.1 et seq; and the Dam Safety and Encroachments Act, Act No. 325 of 1978, 32 P.S. P693.1 et seq. and regulations and ordinances promulgated and enacted thereunder are properly adhered to.
 - 6. That Township facilities such as roads and drainage facilities are not damaged, or if damaged, are restored.
- B. Recognize timber harvesting as a legitimate activity within the Township, while placing it in the context of property values, environmental preservation, and community interests.

SECTION 2001. Definitions. As used in the Chapter, the following shall mean:

- A. **FELLING.** The act of cutting a standing tree so that it falls to the ground.
- B. **INTERMITTENT STREAM.** A stream whose waterflow normally occurs in the wetter parts of the year (October through April) or following major storm events.
- C. **LANDING.** A place where logs are assembled for transportation in loads.
- D. **LOGGING PLAN.** A written description with a map of a specific logging operation prepared before the operation commences.
- E. **LOPPING.** To cut tops and slash into smaller pieces to allow material to settle close to the ground.
- F. **OPERATOR.** The individual, partnership, company, firm, association, or corporation engaged in the harvesting of timber including his agents, subcontractors or employees.
- G. **LANDOWNER.** The individual, partnership, company, firm, association or corporation which holds legal or equitable title to standing timber, and/or the land on which it is situated, including his agents, subcontractors or employees.
- H. **PERENNIAL STREAM.** A stream whose waterflow normally occurs year round.

- I. **SKIDDING.** Dragging trees on the ground, by any means, from the stump to the landing.
- J. **SLASH.** Debris left after logging, including logs, chunks, bark, branches, stumps and broken understory trees or brush.
- K. **STREAM.** Any channel of conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow.
- L. **TREE HARVESTING OR TIMBER HARVESTING OR LOGGING.** The cutting down and removal of trees and logs to be converted to any forest product or for sale to others.
 - 1. This definition shall include **FORESTRY** as defined in Article 2, and shall have the same exclusions as therein listed.
- M. **CLEAR CUT.** The felling of substantially all trees on a tract of land, or portion thereof.
- N. **DBH.** The diameter of a tree at breast height, measured 4.5 from the ground surface.
- O. **BASAL AREA.** The cross-sectional area of trees calculated in square feet as measured at the DBH.
- P. **TOPS.** The upper portion of a felled tree not merchantable because of small size, taper, or defect.
- Q. **TOWNSHIP ENFORCEMENT OFFICER.** The Township Zoning Officer.
- R. **ROAD.** Public road, either municipality or state owned. Wherever the words road, a public road, Township's road, etc are used herein, they shall be equivalent to the word street, and have the same meaning as the word state, defined in the Township Subdivision and Land Development Ordinance, and Township Zoning Ordinance.
- S. **HAUL ROAD, SKID ROAD.** Those roads, trails, or other openings upon which trees, logs, equipment, or vehicles are moved within the site of the work.
- T. **SELECTIVE THINNING.** A method of timber harvesting in which the removal of mature and/or poor quality timber is done at periodic intervals and is repeated indefinitely. This allows existing trees to grow more vigorously, and reseed, thus maintaining an uneven age forest.
- U. **SHELTERWOOD CUTTING.** The removal of the oldest trees in a forest through a series of cuttings, allowing the near-mature trees to grow more vigorously before their removal; producing eventually an even age forest.

SECTION 2002. Applicability. This Chapter shall apply to all tree-harvesting operations within the Township as defined in 2001.L, above, and in Section 200.M.

SECTION 2003. Responsibility.

- A. 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 to submit notification as required in this Chapter. It shall be the joint responsibility of the landowner and the operator to see that the provisions of the logging plan are carried out.

SECTION 2004. Regulations. The following regulations shall govern all tree-harvesting operations:

- A. A logging plan shall be prepared for each tree harvesting operation within the Township.
- B. The logging plan shall address and comply with all applicable standards for erosion and sedimentation control and stream crossing regulations under 25 Pennsylvania Code, Chapter 102, Erosion Control Rules and Regulations, issued pursuant to the Clean Streams Law, and 25 Pennsylvania Code, Chapter 105, Dam and Waterway Management Rules and Regulations, issued pursuant to the Dam Safety and Encroachments Act.
- C. The logging plan shall address and comply with all applicable standards for stormwater management as set forth in the Stormwater Management Act, and any regulations, storm water management plans and ordinances issued or enacted pursuant thereto.
- D. At a minimum, the logging plan shall address each of the following:
 - 1. Design of the logging road system.
 - 2. Water control structures.
 - 3. Stream crossings.
 - 4. Log landings.
 - 5. Haul roads, skid roads, and skid trails.
 - 6. Maintenance.
 - 7. Public Road Use.
 - 8. Retirement of logging roads, log landings, stream crossings, structures, etc., and restoration of the same.
 - 9. The general location of the anticipated operation in relation to municipal and state highways.
 - 10. The location of property boundaries for the tract on which the logging will take place.
 - 11. Approximate starting and completion dates for the operation.
- E. The logging plan and any amendments thereto shall be filed with the Township enforcement officer at least 30 days before the beginning of any tree harvesting operations pursuant to the plan or amended plan.
- F. Within 20 days of receipt of any logging plan or amendment thereto, the Township enforcement officer shall either deny, approve or approve with conditions the logging plan or amendment. No tree harvesting operation may commence or continue except in accordance with an approved logging plan or amended logging plan. Any person aggrieved by the decision of the Township enforcement officer may appeal the decision within 30 days to the Township Board of Supervisors.
- G. The fee for the processing of a logging plan shall be as determined by the Board of Supervisors. In the event the Township enforcement officer determines that the logging plan or amendment necessitates the review of the cost of the Township Engineer, the adapted processing fee shall be

increased to include the cost of the Township's Engineer's services. No logging plan or amendment shall be approved until all processing fees are paid.

- H. The Township enforcement officer shall be notified at least 7 days before the beginning of all tree-harvesting operations and within 7 days after the date of completion.
- I. The erosion and sediment control and stream crossing requirements addressed in the logging plan shall be followed at all times during the tree harvesting operation.
- J. General operational requirements: The following requirements shall govern all timber harvesting activity:
 - 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 said road.
 - 2. No clear cutting of any tract will be permitted. Harvesting shall be done on a selective thinning base or shelter wood cutting practice, leaving a minimum of 60 square feet of basal area of all species, per acre "in situ" on the harvest site. No trees smaller than 2-inch DBH shall be included in figuring the basal area.
 - 3. No tops or slash shall be left within 25 feet of any public road.
 - 4. All tops and slash between a distance of 25 feet and 50 feet from a public road shall be lopped to a maximum height of 4 feet above the surface of the ground.
 - 5. All tops and slash throughout the cutting site shall be lopped to a maximum height of 12 feet above the surface of the ground.
 - 6. Unless waived in writing by owners of neighboring properties, 25-foot buffer zone shall be maintained between the cutting site and adjacent property boundaries, and between cutting site and legal right-of-way of all public roads. No tracked or wheeled machinery shall be operated within this buffer zone.
 - 7. Tree harvesting and related activity covered by an approved logging plan shall be conducted only between the hours of 7:00 a.m. and 6:00 p.m. unless these time limits are extended, excused or otherwise modified in writing by the Board of Supervisors or its designee. Operation during other hours is prohibited.
 - 8. No temporary or permanent living quarters for workmen may be placed upon the worksite, or upon neighboring properties.
 - 9. No loading or unloading of vehicles, equipment, or timber may take place upon any Township or state road. Such activities shall be conducted entirely within the boundaries of the harvest site.
 - 10. Daily cleanup: All soil washed or carried on to public streets during the tree harvesting operations shall be cleaned up each day. Temporary driveways or logging road surfaces shall be provided as soon as possible. The landowner shall be responsible to protect and cleanup lower properties of silt and debris which have washed down onto the lower properties as a result of the tree harvesting on the higher property.

- a. Should such neighboring property owners petition the Township, the Township at its sole discretion, may estimate the cost of cleanup upon such properties, and require the posting of a bond or other surety to guarantee the cleanup.
11. Permanent cleanup: Trash and litter resulting from any logging operation shall be cleaned up and removed from the site before it is vacated by the operator. Any roads or grading to facilitate roads necessary for the logging operation shall be completely regraded and reseeded to restore the property to a pre-logging condition and shall otherwise comply with all Township Ordinances. Proper erosion and sedimentation control measures shall be taken on disturbed property to prevent accelerated water run-off.
- a. All reseeded shall be done with approved native species, or with approved grass seed mix or wildflower mix which will prevent erosion of the site until nature can re-establish itself on the disturbed areas.

SECTION 2005. Road Protection.

- A. All entrances from haul and access roads, log landings, and the like, which enter a Township road shall install temporary culverts, interceptor devices, or other such devices for the handling of water in roadway swales as shall be required by the Township enforcement officer. All such devices shall be removed and roadways, bankings and swales restored to original condition upon completion of harvesting.
- B. All logging roadways or access roads entering upon a Township road shall have 20 feet of #4 stone installed as a "tire cleaner".
- C. Township, may, at its sole discretion, require posting of a bond or other surety to guarantee restoration of Township roads. "Restoration" shall mean the repair, regrading, resurfacing, etc., of areas in the vicinity of haul or access roads, and excess damage to other portions of roads used to transport timber or equipment to and from site. If, as a condition of such surety, operator shall agree to use specified Township roads for such transportation, any documented use of roads other than those agreed may be cause for partial or complete forfeiture of surety.
- D. Township enforcement officer, or any Township Supervisor, shall have authority to deny by verbal communication, any use of Township roads during periods of frost, thaw, or other weather conditions during which excessive damage to roads would unavoidably occur due to harvesting operation.

SECTION 2006. Enforcement.

- A. The Township enforcement officer may go upon the site of any tree harvesting operation before, during or after the active logging to review the tree harvesting operation, the logging plan and any amendment thereto and other required documents to ensure that such plans and documents are in compliance with the provisions of this Article and to ensure that the actual operation is proceeding in compliance with the approved logging plan or amended logging plan.
- B. Any logging operation found to be proceeding without a logging plan or to be operating beyond the scope of an approved logging plan or amended logging plan as described in this Article shall immediately cease operations and shall not resume until a logging plan is prepared and submitted to the Township enforcement officer and approved by the officer.

- C. When any operator or landowner is found to be violating any provision of this Article, or of any approved logging plan or amended logging plan, the Township enforcement officer shall provide the operator and landowner with a written statement describing each violation and specifying a date by which corrective action must be taken. Such corrective work shall be completed by the date specified or within 7 calendar days of such written notification, whichever is sooner. If not so corrected by the date specified or within said 7 days, the operator and the landowner shall be subject to the penalties provided in Section 502. Tree harvesting activities shall be suspended immediately upon notification and shall not resume until the corrective work has been completed and approved by the Township.
- 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 Montgomery County Conservation District and request enforcement of the rules and regulations referred to under Section 2004.B of this Article.
- E. If it is necessary for the Township enforcement officer to obtain a survey or surveying services to establish a violation of this Ordinance and if a violation is found to exist, the owner shall also pay to the Township, in addition to other penalties provided for herein, an amount equal to the cost of the survey or said surveying services.
- F. For the purposes of this Section, notification shall be deemed to have taken place if the written or verbal order or statement described has been either delivered to the operator at his place of business; delivered to the landowner; or delivered to the representative of the operator at the site.

SECTION 2007. Penalties. Any landowner or operator who violates any provision of this Article is guilty of a summary offense and upon conviction shall be subject to a fine of not less than \$100 nor more than \$300, plus costs, for each separate offense. Each day of continued violation of any provision of this Article shall constitute a separate offense.

(5) Entrance/exit control. The center should control the entrance and exit to the child-care center to prevent unauthorized access to the portion of the child care use housing the children without being physically admitted by a staff member. Anyone leaving the center should similarly come under the direct control of center personnel.

(6) Play area setback. All structured play areas or other areas of high activity shall not be located in any required or provided front yard. Such uses when located at other locations on the property shall be so located and designed so as to address the question of separation and protection from noise for the adjoining properties. This may be accomplished by means of landscaping as set forth elsewhere herein, and sound deadening devices and other suitable methods. These uses shall not be located within 10 feet of a rear or side yard property line.

(7) Recreational spaces: location. An outdoor play area as required by state regulations shall be provided and shall be located immediately adjacent to the child-care center.

§ 205-21.2. Forestry. [Added 8-27-2001 by Ord. No. 433]

Forestry, as defined in § 205-5, shall be permitted in any zoning district in the Township, subject to the following regulations and requirements:

A. Forestry activities. Forestry activities shall be practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting, and selling of trees for commercial purposes. A plan shall be filed with the Township which shall provide measures for erosion and sedimentation control and the immediate replanting of trees on areas where existing tree growth has been harvested.

B. Setbacks. Buildings, including accessory structures, the harvesting or cutting of timber which is part of forestry operation within the Township shall be set from property lines and road frontages as follows:

- (1) Front yard setback: 100 feet;
- (2) Side yard setback: 100 feet;
- (3) Rear yard setback: 100 feet;
- (4) Setback from any residential building: 100 feet;
- (5) Setback from road frontages: 100 feet.

C. Hours of operation. No forestry operations conducted the Township shall commence operations of machinery utilized in the forestry business, including motorized vehicles engaged in the business, until a.m. and all such operations shall cease by 5:00 p.m. prevailing time, Monday through Friday only.

D. Exterior storage. Any exterior storage of lumber, forestry product or by-product shall comply with recognized fire standards and safety standards and be screened from view with the planting of appropriate evergreen screen.

E. Deliveries or transport to and from the site. No delivery to the location or transportation of product or by-product of the forestry operation shall be conducted between the hours of 7:00 a.m. and 5:00 p.m. Monday through Friday only.

F. External illumination. Any external illumination placed on the site as part of or to assist in the forestry operation shall be shielded from direct observation on any adjoining property or along adjacent roadway.

G. Signage and retail operations. No sale of any lumber or any other product or by-product of the forestry operation may be sold on the premises where the forestry operation is conducted.

§205-21.3 Net Lot Area Requirements for Residential Districts. (Ord. No. 471)

Residential District

Minimum Lot Area

Net Lot

AK Residential

20,000 square feet

10,000 s