

CHAPTER 10

TIMBER HARVESTING

ARTICLE I

TIMBER HARVESTING

History: Adopted by the Board of Supervisors of Center Township as Ordinance No. 02-10-06, October 9, 2002.

§ 10-101. Policy, Purpose

- A. Property protection for adjoining property owners.
- B. Protect Township roads from potential damage from overweight trucks during timber harvesting.
- C. To avoid unreasonable and unnecessary restrictions on the right to practice forestry.

§ 10-102. Scope, Applicability

This Article shall apply to commercial timber harvesting only.

§ 10-103. Definitions

- A. FORESTRY: The management of forests and timberlands when practiced in accordance with accepted silvicultural practices, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.
- B. LANDOWNER: The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee to exercise the rights of the landowner, or other person, partnership, corporation or association have a proprietary interest in land, shall be deemed to be a landowner for the purpose of this Article.
- C. OPERATOR: An individual, partnership, company, firm, association or corporation engaged in timber harvesting, including the agents, subcontractors and employees thereof.
- D. OWNER OF TIMBER RIGHTS: The landowner or any person, partnership, corporation or association who has obtained timber rights

from the landowner or from those to whom the landowner may have conveyed those rights.

- E. NONCOMMERCIAL TIMBER STAND IMPROVEMENT: Any activity that improves the health and production of a timber stand but does not yield a net income to the owner of timber rights. This often includes chemical treatment of undesirable and invasive trees and plant species within a woodlot or plantation, post sale work after a timber sale is complete, removal of damaged, unmerchantable and undesirable trees or “weeding”, the practice of thinning around saplings that show the most potential for productive growth.
- F. COMMERCIAL TIMBER HARVESTING: “Timber harvesting”, “tree harvesting” or “logging” means that part of forestry involving cutting down trees and removing logs from the forest for the primary purpose of sale or commercial processing into wood products. The following activities shall not be considered timber harvesting:
 - 1. A homeowner cutting his own property for his own use.
 - 2. Noncommercial timber stand improvement.
 - 3. Clearing pursuant to a development plan approved by the Board of Supervisors.
 - 4. Clearing for a single family dwelling.
 - 5. Clearing for farming operations.
 - 6. The cutting of disease trees.
 - 7. Timber harvesting operations proposed on any property less than one acre.

§ 10-104. General Requirements

Prior to and during any timber harvesting operation in the Township, the following requirements shall be met:

- A. The operator/owner of timber rights shall provide the Township with a timber harvesting plan which shall include:
 - 1. The 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 that property,

including the proposed Township roads to be used during timber harvesting operations.

2. A copy of all applicable Department of Environmental Protection (DEP) permits, if any.
 3. A copy of the DEP Erosion and Sedimentation Control Plan.
 4. A copy of proof of general liability insurance.
- B. Responsibility of road maintenance and repair; road bonding. Pursuant to Title 75 Pennsylvania Consolidated Statutes, Chapter 49 and Title 67 Pennsylvania Code, Chapter 189, the operator and/or the owner of timber rights shall be responsible for repairing any damage in excess of that caused by normal traffic. The operator and/or owner of timber rights may be required to furnish a bond to the Township to guarantee the repair of such damages.
- C. The Township enforcement officer may determine alternative routing from the site for each timber harvesting operation so as to minimize damage to Township roads and preserve public safety.
- D. The operator of the timber harvesting site shall be responsible for the following:
1. Strict adherence to all State and federal timber harvesting regulations.
 2. Any and all damage that may be caused to adjoining properties as a result of timber harvesting operations on his/her project.
 3. Accurate marking of the surveyed/deeded property boundary lines.
- E. Fourteen (14) days prior to the issuance of a timber harvesting permit, the operator and/or the owner of timber rights must mark all boundary lines by a method acceptable in the surveying and engineering industry. Trees to be harvested within ten (10) feet of this marked boundary shall be marked with a painted band encircling the tree. The operator and/or owner of timber rights must provide the township with a survey depicting the property lines or a deed with correct bearings and dimensions for the property to be harvested. If a survey is used it must bear the identification and seal of the company that performed it. If no correct survey or deed is submitted the operator and/or owner of timber rights must maintain a twenty (20) foot buffer from the marked boundary line unless a notarized written agreement is reached with the adjoining property owner waiving the buffer. A copy of said agreement must be

submitted to the township prior to permit issuance. No survey is required for:

1. Removal of diseased damaged, or dead trees that have the potential to cause damage to the adjoining property.
 2. Where the adjoining property is in one and the same ownership as the parcel being harvested by permit.
- F. All tops and slash must be removed from a twenty (20) foot buffer from the marked boundary line in zones denoted as residential by the Township zoning map. "Top" means the upper portion of a felled tree that is not merchantable because of small size, taper, or defect. "Slash" means woody debris left in the woods after logging, including logs, chunks, bark, branches, uprooted stumps, and broken or uprooted trees or shrubs.

§ 10-105. Permit Issuance

- A. The operator/owner of timber rights shall obtain a permit from the Township.
- B. Permits shall be valid for a period of twelve (12) months from the date of issuance.
- C. Any timber harvesting operation remaining after twelve (12) months from the issuance of the permit (not including restoration after the expiration of the permit) shall require a new permit.
- D. Permits shall be required only for commercial timber harvesting operations.
- E. No permit shall be issued to any owner of timber rights or operator who has an outstanding violation pursuant to Section 10-104 above or Section 10-106 below.
- F. Permit fees shall be established by Resolution of the Board of Supervisors.

§ 10-106. Violation Notices, Suspensions

- A. Upon finding that a timber harvesting operation is in violation of any provision of this ordinance, the Township enforcement officer shall issue the operator a written notice of violation describing each violation and specifying corrective action to be taken. The Township enforcement

officer may also order the immediate suspension of any operation upon finding that:

1. Corrective action has not been taken by the date specified in a notice of violation.
 2. The operation is proceeding without a permit.
- B. Suspension orders shall be in writing, shall be issued to the operator and owner of timber rights, and shall remain in effect until, as determined by the Township enforcement officer or the Township Engineer, whichever may be applicable, the operation is brought into compliance. The operator/owner of timber rights may appeal an order or decision of an enforcement officer, within thirty (30) days of issuance, to the governing body of the Township. Upon receipt of written notice, the governing body shall schedule a hearing within fourteen (14) days. The Township enforcement officer shall have access to a permitted commercial timber harvesting.

§ 10-107. Penalties

- A. Any operator or owner of timber rights who: (1) violates any provisions of sections 1 through 5 above; (2) refuses to allow the Township enforcement officer access to a harvest site; or (3) fails to comply with a notice of violation or notice of suspension order, respectively, is guilty of a summary offense and upon conviction shall be subject to a fine of not less than one hundred dollars (\$100.00), nor more than three hundred dollars (\$300.00), plus costs, for each separate offense. Each day of a continued violation of any provision of Section 10-101 through Section 10-106 shall constitute a separate offense.
- B. In addition to the penalties set forth above (and not to the exclusion thereof), the Board of Supervisors of Center Township may institute an action in equity to prevent, restrain, correct, or abate any act, conduct, operation or use constituting a violation of this Chapter.