

**EAST BRANDYWINE TOWNSHIP  
CHESTER COUNTY, PENNSYLVANIA  
ORDINANCE NO. 1 of 2025**

**AN ORDINANCE OF THE TOWNSHIP OF EAST BRANDYWINE, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE EAST BRANDYWINE TOWNSHIP CODE, PART III, TITLED LAND USE LEGISLATION, CHAPTER 399, TITLED ZONING, BY DELETING IN ITS ENTIRETY SECTION 399-102.1, TITLED WOODLAND PROTECTION AND LOGGING STANDARDS; DELETING REFERENCES TO FORESTRY IN VARIOUS ZONING DISTRICTS; ADDING A NEW SECTION 399-87.1 TO PERMIT FORESTRY IN ALL ZONING DISTRICTS; AND AMENDING PART II OF THE CODE, TITLED GENERAL LEGISLATION, BY ENACTING A NEW CODE CHAPTER 165 TITLED FORESTRY REGULATIONS.**

**IT IS HEREBY ENACTED** by the Board of Supervisors of East Brandywine Township, Chester County, Pennsylvania, that the Code of the Township of East Brandywine (the “Code”) is amended as follows:

**SECTION 1.** Chapter 399 of the Code is amended by deleting in its entirety Section 399-102.1, titled “Woodland protection and logging standards”.

**SECTION 2.** Chapter 399 of the Code is amended by deleting Sections 399-21.A(9), 399-27.A(9), 399-33.A(8), 399-51.A(14), 399-56.A(7), and 399-159.A(15).

**SECTION 3.** Chapter 399 of the Code is amended by adding a new Section 399-87.1 titled “Forestry” as follows “Forestry, as defined in Chapter 300 of the Code, Section 300-17, shall be permitted by right in all Zoning Districts in accordance with the standards and requirements of Part II, Chapter 165, of the Code.

**SECTION 4.** The Code is amended by adding a new Chapter 165, titled “Forestry Regulations” as set forth in Exhibit A attached hereto and incorporated herein by reference.

**SECTION 5.** Severability. If any sentence, clause, section, or part of this Ordinance is, for any reason, found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.


**SECTION 6.** Repealer. All ordinances or parts of ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

**SECTION 7.** Effective Date. This Ordinance shall be effective immediately upon enactment.

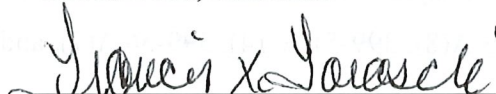
**ENACTED this 7<sup>th</sup> day of August, 2025.**


**BOARD OF SUPERVISORS  
EAST BRANDYWINE TOWNSHIP**

**ATTEST:**

  
Lisa Taraschi, Secretary

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Carl R. Croft, Chairman

  
Francis X. Taraschi, Vice Chairman

  
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Kyle P. Scribner, Member

**§ 165. Forestry Regulations.**

- A. **Policy; Purpose.** In order to conserve forested land and open space and the environmental and economic benefits they provide, it is the policy of the Township of East Brandywine to encourage the owners of forested land to continue to use their land for forestry purposes, including the long-term preservation of forested land, the production of timber, and the recreation, wildlife, and amenity values provided by forested land. The timber harvesting regulations set forth in Sections 165 A through H are intended to further these policies and purposes by:
- (1) promoting good forest stewardship;
  - (2) protecting the rights of adjoining property owners;
  - (3) minimizing the potential for adverse environmental impacts; and
  - (4) avoiding unreasonable and unnecessary restrictions on the right to practice forestry.
- B. **Scope and applicability.** To encourage maintenance and management of forested or wooded land and open space and promote the conduct of forestry as a sound and economically viable use of forested land throughout the Township, forestry activities, including timber harvesting, shall be a permitted use by right in all zoning districts. Sections 165 A through G apply to all timber harvesting within the Township where the value of the trees, logs, or other timber products removed exceeds \$5,000 or when timber harvesting operations are expected to exceed one acre. These provisions do not apply to the cutting of trees for the personal use of the landowner or for pre-commercial timber stand improvement.
- C. **Definitions.** As used in Sections A through H, the following terms shall have the meanings given them in this section. Other terms used in this Chapter 165 which are defined in Section 300-17 of the Code shall have the meanings set forth therein. Terms not defined by this Section 165.C or Section 300-17 shall have their ordinary meanings.
- (1) “Clear-Cutting” means the felling of all trees on a tract of land, or any portion thereof, at one time.
  - (2) “Felling” means the act of cutting a standing tree so that it falls to the ground.
  - (3) “Forestry” means the management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development as regulated by Chapter 350 of the Code.
  - (4) “Landing” means a place where logs, pulpwood, or firewood are assembled for transportation to processing facilities.
  - (5) “Litter” means discarded items not naturally occurring on the site such as tires, oil cans, equipment parts, and other rubbish.
  - (6) “Lop” means to cut tops and slash into smaller pieces to allow the material to settle close to the ground.
  - (7) “Operator” means an individual, partnership, company, firm, association, or corporation engaged in timber harvesting, including the agents, subcontractors, and employees thereof.
  - (8) “Landowner” means an individual, partnership, company, firm, association, or corporation

that is in actual control of forest land, whether such control is based on legal or equitable ownership, or on any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner, and any agents thereof acting on their behalf, such as forestry consultants, who set up and administer timber harvesting.

- (9) “Pre-commercial timber stand improvement” means a forest practice, such as thinning or pruning, which results in better growth, structure, species composition, or health for the residual stand but which does not yield a net income to the landowner, usually because any trees cut are of poor quality, too small or otherwise of limited marketability or value.
- (10) “Skidding” means dragging trees on the ground from the stump to the landing by any means.
- (11) “Slash” means woody debris left in the woods after logging, including logs, chunks, bark, branches, uprooted stumps, and broken or uprooted trees or shrubs.
- (12) “Stand” means any area of forest vegetation whose site conditions, past history, and current species composition are sufficiently uniform to be managed as a unit.
- (13) “Stream” means any natural or artificial channel of conveyance for surface water with an annual or intermittent flow within a defined bed and banks.
- (14) “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, which does not involve any land development as regulated by Chapter 350 of the Code.
- (15) “Top” means the upper portion of a felled tree that is unmerchantable because of small size, taper, or defect.
- (16) “Wetland” means areas as defined and delineated in accordance with Section 399-15.B of the Code.

**D. Notification; preparation of a logging plan.**

- (1) **Notification of commencement or completion.** For all timber harvesting operations where the value of the trees, logs, or other timber products removed exceeds \$5,000 or that are expected to exceed one acre, the landowner shall notify the Township Enforcement Officer at least 10 business days before the operation commences and within 5 business days before the operation is complete. No timber harvesting shall occur until the notice has been provided and the landowner has complied with the requirements of this Chapter 165. Notification shall be in writing and shall specify the land on which harvesting will occur, the expected size of the harvest area, and, as applicable, the anticipated starting or completion date of the operation.
- (2) **Logging plan.** Every landowner on whose land timber harvesting is to occur shall prepare a written logging plan, complete an application form provided by the Township, and pay an application fee in an amount set by resolution of the Board of Supervisors. No timber harvesting shall occur until the plan has been prepared and provided to the Township Enforcement Officer. The provisions of the plan shall be followed throughout the operation. The plan shall be available at the harvest site at all times during the timber harvesting operation.
- (3) **Responsibility for compliance.** The landowner and the operator shall be jointly and severally responsible for complying with the terms of the logging plan.

E. **Contents of the logging plan.**

- (1) **Minimum requirements.** As a minimum, the logging plan shall include the following:
  - (a) Design, construction, maintenance, and retirement of the access to and from the public or private road system, including haul roads, skid roads, skid trails and landings;
  - (b) Design, construction, and maintenance of water control measures and structures such as culverts, broad-based dips, filter strips, and water bars;
  - (c) Design, construction, and maintenance of stream and wetland crossings; and
  - (d) The general location of the proposed operation in relation to municipal and state highways, including any accesses to those highways.
- (2) **Map.** Each logging plan shall include a sketch or drawing containing the following information:
  - (a) 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;
  - (b) Significant topographic features related to potential environmental problems;
  - (c) Location of all earth disturbance activities such as roads, landings, and water control measures and structures;
  - (d) Location of all crossings of waters of the Commonwealth; and
  - (e) The general location of the proposed operation to municipal and state highways, including any accesses to those highways.
- (3) **Compliance with state law.** The logging plan, the timber harvesting on the property, and the access to and use of the public roads shall address and comply with the requirements of all applicable state laws and regulations including, but not limited to, the following:
  - (a) Erosion and sedimentation control regulations contained in 25 Pennsylvania Code, Chapter 102, promulgated pursuant to the Clean Streams Law (35 P.S. §§691.1 et seq.); and
  - (b) Stream crossing and wetlands protection regulations contained in 25 Pennsylvania Code, Chapter 105, promulgated pursuant to the Dam Safety and Encroachments Act (32 P.S. §§693.1 et seq.).
- (4) **Relationships of state laws, regulations, and permits to the logging plan.** Any permits required by state laws and regulations shall be attached to and become part of the logging plan. An erosion and sedimentation pollution control plan that satisfies the requirements of 25 Pennsylvania Code, Chapter 102, shall also satisfy the requirements for the logging plan and associated map specified in paragraphs 1 and 2 of this section, provided that all information required by these paragraphs is included or attached.

- F. **Forest practices.** The following requirements shall apply to all timber harvesting operations in the Township:
- (1) Felling or skidding on or across any street is prohibited without the express written consent of the Township or the Pennsylvania Department of Transportation, whichever is responsible for maintenance of the thoroughfare.
  - (2) Clear-Cutting shall not be permitted as part of any logging operation.
  - (3) No tops or slash shall be left within twenty-five feet of any street providing access to adjoining residential property.
  - (4) All tops and slash between twenty-five and fifty feet from a street providing access to adjoining residential property or within fifty feet of adjoining residential property shall be lopped to a maximum height of four feet above the surface of the ground.
  - (5) No tops or slash shall be left on or across the boundary of any property adjoining the timber harvesting operation without the consent of the owner thereof.
  - (6) Littering resulting from a timber harvesting operation shall be removed from the site before it is vacated by the operator.
- G. **Responsibility for road maintenance and repair; road bonding.** Pursuant to Title 75 Pennsylvania Consolidated Statutes, Chapter 49; and Title 67 Pennsylvania Code, Chapter 189, the landowner and the operator shall be responsible for repairing any damage to Township roads caused by traffic and motor vehicles associated with the timber harvesting operation. The landowner and the operator may be required to furnish a bond to the Township to guarantee the repair of such damages. The Township may specify the required traffic route that trucks and vehicles must use to and from the timber harvesting operation.
- H. **Enforcement.**
- (1) **Township Enforcement Officer.** The Township Manager or his or her designee shall be the Enforcement Officer for Sections 165 A through G.
  - (2) **Inspections.** The Township 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 with sections A through G; and
    - (b) Inspect the operation for compliance with the logging plan, any permits required by this Chapter 165, and other on-site requirements of this Chapter 165.
  - (3) **Violation notices; suspensions.** Upon finding that a timber harvesting operation is in violation of any provision of Sections 165 A through G, the Township Enforcement Officer shall issue the operator and the landowner a written notice of violation describing each violation and specifying a date by which corrective action must be taken. The Township Enforcement Officer may order the immediate suspension of any operation upon finding that:
    - (a) Corrective action has not been taken by the date specified in a notice of violation;

- (b) The operation is proceeding without a logging plan; or
  - (c) The operation is causing immediate harm to the environment.
  - (d) 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 Township Enforcement Officer, the operation is brought into compliance with Sections 165 A through G or other applicable statutes or regulations. The landowner or the operator may appeal an order or decision of an Enforcement Officer within thirty days of issuance to the governing body of the Township.
- (4) **Penalties.** Any landowner or operator who (1) violates any provision of Sections 165 A through G; (2) refuses to allow the Township Enforcement Officer access to a timber harvesting site pursuant to paragraph (2) of this section or who fails to comply with a notice of violation or suspension order issued under paragraph (3) of this section is guilty of a summary offense and upon conviction shall be subject to a fine not to exceed one thousand dollars (\$1,000.00) per violation, plus costs and reasonable attorney's fees. . Each violation of Sections 165.A through G. and each day a violation continues shall be a separate offense and violation.