

## ZONING

### *350 Attachment 2*

#### **Township of West Caln**

#### **Appendix B: Model Timber Harvesting Regulations**

##### **SECTION B-1.PURPOSE.**

In order to preserve forests and forested open space and the environmental benefits they provide, it is the policy of West Caln Township to encourage the owners of forestland to continue to use their land for preferred forestry purposes, including recreation, wildlife habitat, amenity and aesthetic value, and where applicable, timber harvesting. The regulations and plan requirements contained in this Article are intended to further this policy by:

- Minimizing the potential adverse environmental impacts associated with timber removal; and
- Promoting good forest stewardship;
- Protecting the rights of adjoining property owners;
- Avoiding unreasonable restrictions on the right to practice forestry.

##### **SECTION B-2.APPLICABILITY.**

The regulations set forth in this Article shall apply to any timber harvesting operation, as defined in the following Section, or where the value of trees, logs, or other timber products removed exceeds \$1,000. These regulations do not apply to the cutting of trees for the personal use of the landowner or for pre-commercial timber stand improvement.

##### **SECTION B-3.ASSOCIATED DEFINITIONS.**

As used throughout this Article, the following terms are defined as follows:

**FELLING** — The act of cutting a tree so that it falls to the ground.

**LANDING** — A place where logs, pulpwood, or firewood are assembled for transportation to, processing facilities.

**LITTER** — Discarded items not naturally occurring on the occurring on the site such as tires, oilcans, equipment parts, and other rubbish.

**LOP** — To cut the tops off of trees and slash into smaller pieces to allow material to settle close to the ground.

**OPERATOR** — An individual, partnership, company, firm, association, or corporation engaged in timber harvesting, including the agents, subcontractors, and employees thereof.

**PRE-COMMERCIAL TIMBER STAND IMPROVEMENT** — 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 land owner, usually because any trees cut are of poor quality, too small or otherwise of limited marketability or value.

## WEST CALN CODE

SKIDDING — Dragging trees on the ground from the stump to the landing by any means.

SLASH — Woody debris left in the woods after logging, including logs, chunks, bark, branches, uprooted stumps, and broken or uprooted trees or shrubs.

STAND — Any area of forest vegetation whose site conditions, past history, and current species composition are sufficiently uniform to be managed as a unit.

TIMBER HARVESTING/TREE HARVESTING/LOGGING — forestry involving cutting down trees and removing logs from the forest for the primary purpose of sale or commercial processing into wood products.

TOP — The upper portion of a felled tree that is not merchantable because of small size, taper, or defect.

### **SECTION B-4. PREPARATION OF A TIMBER HARVESTING PLAN.**

It is the intent of West Caln Township to promote the preservation of forestland for the benefit of current and future residents of the community. The preferred treatment of forestland within the community is for recreation, wildlife habitat, and amenity and aesthetic value. The following timber harvesting regulations and plan requirements are intended to minimize the potential environmental impacts associated with timber removal and to promote good forest stewardship when a landowner has chosen, in accordance with the regulations herein and any other applicable regulations, to participate in timber harvesting.

- A. **Notification of Commencement or Completion.** For all timber harvesting operations that meet or exceed the specifications in the above definition, the landowner shall notify the Township Zoning Officer at least 15 days before the operation commences and within five business days before the operation is complete. No timber harvesting shall occur until the notice has been provided. 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.
- B. **Timber Harvesting Plan.** Every landowner on whose land timber harvesting is to occur shall prepare a timber harvesting plan in accordance with the requirements of this Article. No timber harvesting shall occur until the plan has been prepared by a certified forester or a similarly qualified professional, as approved by the Board of Supervisors. 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 operation and shall be provided to the Township Zoning Officer upon request. The Timber Harvesting Plan shall meet the approval of the Board of Supervisors.
- C. **Responsibility of compliance.** The landowner and the operator shall be jointly responsible for complying with the terms of the timber harvesting plan.

## ZONING

### **SECTION B-5. CONTENTS OF THE TIMBER HARVESTING PLAN.**

- A. Minimum Requirements.** As a minimum, the timber harvesting plan shall include the following:
1. Design, construction, maintenance, and retirement of the access system, including haul roads, skid, roads, skid trails, and landings;
  2. Design, construction, and maintenance of water control measures and structures such as culverts, broad-based dips, filter strips, and water bars;
  3. Design, construction, and maintenance of stream and wetlands crossings; and
  4. The general location of the proposed operation in relation to municipal and state highways, including any access to those highways.
- B. Timber Harvesting Plan Map.** Each timber harvesting plan shall include a map containing the following information, at an appropriate scale:
1. 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;
  2. Significant topographic features related to potential environmental problems;
  3. Location of all earth disturbance activities such as roads, landings, and water control measures and structures;
  4. Location of all crossings of waterways located within the Township;
  5. The general location of the proposed operation to municipal and state highways, including any access to those roads and/or highways and the routes that will be utilized through the Township to access those roads and/or highways.
- C. Compliance with State Law.** The timber harvesting plan shall address and comply with the requirements of all applicable state regulations including, but not limited to, the following:
1. Erosion and sedimentation control regulations contained in Title 25 Pennsylvania Code, Chapter 102, promulgated pursuant to The Clean Streams Law (35 P.S. § 691.1 et seq.), as amended; and
  2. Stream crossing and wetlands protection regulations contained in Title 25 Pennsylvania Code, Chapter 105, promulgated pursuant to the Dam Safety and Encroachments Act (32 P.S. § 693.1 et seq.), as amended.
- D. Relationships to state laws, regulations, and permits to the timber harvesting plan.** Any permits required by state laws and regulations shall be attached to and become part of the timber harvesting plan. An erosion and sedimentation pollution control plan that satisfies the

## WEST CALN CODE

requirements of Title 25 Pennsylvania Code, Chapter 102, as amended, shall also satisfy the requirements of the timber harvesting plan and associated map specified above, provided that all information required by these paragraphs is included or attached.

### **SECTION B-6. TIMBER HARVESTING PRACTICES.**

The following requirements shall apply to all timber harvesting operations in the Township:

- A. Felling or skidding on or across any public thoroughfare is prohibited without the express written consent of the Township or the Pennsylvania Department of Transportation, whichever is responsible for maintenance of the thoroughfare.
- B. No tops or slash shall be left within 25 feet of any property line, public thoroughfare, or private roadway providing access to adjoining residential property.
- C. All tops and slash between 25 and 50 feet from a public roadway or private roadway 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 ground.
- D. No tops or slash shall be left on or across the boundary of any property adjoining the operation without the consent of the owner thereof.
- E. Litter resulting from a timber harvesting operation shall be removed from the site before it is vacated by the operator.
- F. No timber harvesting activity can occur within 25 feet of an adjoining property line.
- G. Timber harvesting practices shall be in accordance with the Natural Resource Protection set forth in Article X of this Ordinance.

### **SECTION B-7. RESPONSIBILITY FOR ROAD MAINTENANCE AND REPAIR.**

Pursuant to Title 75 of the 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 associated with the timber harvesting operation to the extent the damage is in excess of that caused by normal traffic, and may be required to furnish a bond to guarantee the repair of such damages. The operator shall be responsible to return the road to its original state (condition prior to commencing the operation).

### **SECTION B-8. ENFORCEMENT.**

- A. Enforcement Officer. The Township Zoning Officer shall be the enforcement officer for these timber harvesting regulations.
- B. Inspections. The Township Zoning Officer may go upon the site of any timber harvesting operation before, during, or after active timber harvesting to perform any of the following tasks:

## ZONING

1. Review the timber harvesting plan or any other required documents for compliance with regulations contained in this Article; or
  2. Inspect the operation for compliance with the timber harvesting plan and other on-site requirements of these regulations.
- C. Violation Notices. Upon finding that a timber harvesting operation is in violation of any provision of this Article or § 350-1002D of the Township Zoning Ordinance, as amended, the Township Zoning 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.
- D. Suspension. The Township Zoning Officer may 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 timber harvesting plan; or
  3. The operation is causing immediate harm to the environment.

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 Zoning Officer, the operation is brought into compliance with the regulations of this Article and any other applicable statutes or regulations. The landowner or the operator may appeal an order or decision of the Township Zoning Officer within 30 days of issuance to the Board of Supervisors of West Caln Township.

- E. Penalties. Any landowner or operator who violates any provision set forth in this Section or refuses to allow the Township Zoning Officer access to a harvest site pursuant to the regulations set forth in this Section or who fails to comply with a notice of violation or suspension order 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 any associated costs, for each separate offense. Each day of continued violation of any provisions of this Section shall constitute a separate offense.