

ORDINANCE NO. _____

**UNION TOWNSHIP
WASHINGTON COUNTY, PENNSYLVANIA**

AN ORDINANCE OF UNION TOWNSHIP, WASHINGTON COUNTY, PENNSYLVANIA, REGULATING THE HARVESTING OF TIMBER WITHIN UNION TOWNSHIP AND PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF BY REMOVING THE REQUIREMENTS FOR ERROSION AND SEDIMENTATION CONTROL PLAN.

WHEREAS, the Office of Attorney General has held that Union Township cannot require the Erosion and Sedimentation Control Plan be submitted to the Washington County Conservation District; and

WHEREAS, it is now deemed necessary for the protection of the health, cleanliness, welfare, comfort and safety of the citizens of Union Township to enact this Ordinance.

NOW THEREFORE, pursuant to the Second Class Township Code, as amended and other relevant laws of the Commonwealth of Pennsylvania, the Supervisors enacts and ordains the following:

SECTION 1. TITLE.

This Ordinance shall be titled “The Union Township Timber Harvesting Ordinance of 2023”.

SECTION 2. PURPOSE.

In order to conserve forested open spaces and the environmental and economic benefits they provide, it is the policy of Union Township to encourage the owners of forestland to continue to use their land for forestry purposes, including the long-term production of timber, recreation, wildlife, and amenity values. The timber harvesting regulations contained in this Ordinance are intended to further this policy 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 and improving human health and welfare of the community.

SECTION 3. APPLICABILITY.

To encourage maintenance and management of forested or wooded open spaces 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. This Ordinance applies to all timber harvesting within the Township where the value of the trees, logs, or other timber products removed exceeds Two Thousand and 00/100 (\$2,000.00) Dollars. These provisions do not apply to the cutting of trees for the personal use of the landowner or for precommercial timber stand improvement.

SECTION 4. DEFINITIONS.

For the purpose of this Ordinance, the following terms are defined as follows and shall have the meanings ascribed to them in this Section unless the context clearly indicates a different meaning:

FELLING - the act of cutting a standing tree so that it falls to the ground.

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. (The definition of forestry is taken from 53 P.S. § 10107 of the Pennsylvania Municipalities Planning Code. Only forests and timberlands subject to residential or commercial development shall be regulated under the Union Township Land Development and Subdivision Ordinance.

LANDING - a place where logs, pulpwood or firewood are assembled for transportation to processing facilities.

LANDOWNER - 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 title, 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.

LITTER - discarded items not naturally occurring on the site such as tires, oil cans, equipment parts and other rubbish.

LOP - to cup tops and slash into smaller pieces to allow the 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.

PRECOMMERCIAL 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 landowner, usually because any trees cut are of poor quality, too small or otherwise of limited marketability or value.

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.

STREAM – any natural or artificial channel of conveyance for surface water with an annual or intermittent flow within a defined bed and banks.

TIMBER HARVESTING, TREE HARVESTING or LOGGING – the process of 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 unmerchantable because of a small size, taper or defect.

WETLAND – areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support and that under normal circumstances do support a prevalence of integration typically adapted for life in saturated soil conditions including swamps, marshes, bogs and similar areas.

SECTION 5. NOTIFICATION, PREPARATION OF A LOGGING PLAN.

- A. NOTIFICATION OF COMMENCEMENT OF COMPLETION - For all timber harvesting operations that are expected to exceed one (1) acre, the landowner shall notify the Union Township Code Enforcement Officer at least thirty (30) business days before the operation commences and within thirty (30) business days before the operation is complete. No timber harvesting shall occur until the Union Township Board of Supervisors has approved a plan for the timber harvesting operations. 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. LOGGING PLAN - Every landowner on whose land timber harvesting is to occur shall prepare a written logging plan in the form specified by this Ordinance. No timber harvesting shall occur until the plan has been prepared and provided to the Township and 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 code enforcement officer upon request.

- C. RESPONSIBILITY FOR COMPLIANCE – The landowner and the operator shall be jointly and severally responsible for complying with the terms of the logging plan.

SECTION 6. CONTENTS OF THE LOGGING PLAN.

- A. MINIMUM REQUIREMENTS - At a minimum, the logging 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, 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 wetland crossings;
and
4. The general location of the proposed operation in relation to municipal and state highways, including any access to those highways.

- B. MAP – Each logging plan shall include a sketch map or drawing containing the following information:

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;
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 waters of the Commonwealth; and
5. The general location of the proposed operation to municipal and state highways, including any access to those highways.

C. COMPLIANCE WITH STATE LAW – The logging plan shall address and comply with the requirements of all applicable state laws and regulations including, but not limited to the following:

1. Erosion and sedimentation control regulations contained in 25 Pennsylvania Code, Chapter 102, promulgates pursuant to the Clean Streams Law (35 P.S. § 691.1 et seq.);
2. Stream crossing and wetlands protections regulations contained in 25 Pennsylvania Code, Chapter 105, promulgates pursuant to the Dam Safety and Encroachments Act (32 P.S. § 693.1 et seq.); and

- D. RELATIONSHIP 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 minimum requirements for the logging plan and associated map specified in paragraphs A and B of this Section, provided that all information required by these paragraphs is included or attached.

SECTION 7. FOREST PRACTICES.

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

- A. Felling or skidding on or across any public throughfare is prohibited without the express written consent of Union Township or the Pennsylvania Department of Transportation, whichever is responsible for maintenance of the throughfare.
- B. No tops or slash shall be left within twenty-five (25) feet of any public throughfare or private roadway providing access to adjoining residential property;
- C. All tops and slash between twenty-five (25) feet and fifty (50) feet from a public roadway or private roadway providing access to adjoining residential property or within fifty (50) feet of adjoining residential property shall be lopped to a maximum height of four (4) feet above the surface of 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;

SECTION 8. RESPONSIBILITY FOR ROAD MAINTENANCE/ROAD BONDING 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 a municipality's road caused by traffic associated with the timber harvesting operation to the extent the damage is in excess of that caused by normal traffic. The operator may be required to furnish a bond to guarantee the repair of such damages.

SECTION 9. ENFORCEMENT.

- A. UNION TOWNSHIP CODE ENFORCEMENT OFFICER - The Union Township Code Enforcement Officer shall be responsible for enforcing this Ordinance.
- B. INSPECTIONS - The code enforcement officer may go upon the site of any timber harvesting operation before, during, or after active logging to (1) review the logging plan or any other required documents for compliance with this Ordinance and (2) inspect the operation for compliance with the logging plan and other onsite requirements of these regulations.
- C. VIOLATION NOTICES; SUSPENSIONS - Upon finding that a timber harvesting operation is in violation of any provision of this Ordinance, the Union Township Code Enforcement Officer shall issue the operator and the landowner a written notice of violation describing each violation and specifying a date of not less than thirty (30) days by which corrective action must be taken. The Union

Township Code Enforcement 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 logging plan; or
3. The operation is causing immediate harm to the environment as confirmed by local conservation district and DEP.

Suspension orders shall be in writing, issued to both the operator and the landowner and remain in effect until, as determined by the Township Code Enforcement Officer, the operation is brought into compliance with this Ordinance or other applicable statutes or regulations of the logging plan. The landowner or the operator shall appeal an order or decision of a Township Code Enforcement officer within thirty (30) days of issuance to the governing body of the Township.

SECTION 10. PENALTIES.

Any landowner or operator who (1) violates any provision of this Ordinance, (2) refuses to allow the Township Code Enforcement Officer access to a harvest site pursuant to Section 9(B) of this Ordinance, or (3) fails to comply with a notice of violation or suspension order issued under Section 9(C) of this Ordinance is guilty of a summary offense and upon conviction shall be subject to a fine of not less than One Hundred and 00/100 (\$100.00) Dollars plus costs. Each day the violation continues may constitute a separate offense. The enforcement of this ordinance by the Township shall be by action brought before a the Washington County Court of Common Pleas in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure.

SECTION 11. SEVERABILITY.

In the event that any provision, section, sentence or portion of this Ordinance shall be held invalid, such invalidity shall not affect or impair any of the remaining provision of this Ordinance, as the provision are severable and would have been enacted had not such invalid provisions been included herein.

SECTION 12. REPEALER.

Any Ordinance containing any provision inconsistent herewith to the extent that such provision is inconsistent, that provision is also hereby repealed.

SECTION 13. EFFECTIVE DATE.

This Ordinance shall become effective five (5) days after enactment.

ENACTED AND ORDAINED by the Board of Supervisors of Union Township, Washington County, Pennsylvania this _____ day of _____, 2023.

ATTEST:

**UNION TOWNSHIP
BOARD OF SUPERVISORS**

, Secretary/Assistant Treasurer

By: _____
Michalle Dupree, Chairman

(SEAL)

By: _____
Linda Evans-Boren, Vice Chairman

By: _____
Charles Wilson

By: _____
Larry Sphar

By: _____
Stephen Parish