

**CHAPTER 25**

**TREES**

**PART 1**

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**PART 1**

**FORESTRY, TIMBER HARVESTING**

**§25-101. Policy and Purpose.**

1. In order to preserve forests and the environmental and economic benefits they provide, it is the policy of the Township of Richland to encourage the owners of forest land 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 §§25-101 through 25-110 are intended to further this policy by promoting good forest stewardship; protecting the rights of adjoining property owners; minimizing the potential for adverse environmental impacts and avoiding unreasonable and unnecessary restrictions on the right to practice forestry. The Township has used publications and model timber harvesting regulations published by Penn State University as guides for the regulations contained herein.
2. Because proper cutting practices vary depending on the site and on landowner objectives, it is not the intent of this Part to prescribe specific practices. However, unless the site has received approval from the Township Board of Supervisors for development purposes, clear cutting or the mass removal of all trees or vegetation from a site is prohibited.

(Ord. 381, 10/2/2002, §101)

**§25-102. Scope and Availability.**

Sections 25-101 through 25-110 apply to all timber harvesting within the Township where the value of the trees, logs or other timber products removed exceeds \$5,000. These provisions do not apply to the cutting of trees for the personal use of the landowner or for precommercial timber stand improvement.

(Ord. 381, 10/2/2002, §102)

**§25-103. Definitions.**

As used in §§25-101 through 25-110, the following terms shall have the meanings given them in this Section.

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

FORESTRY — managing and using for human benefit forest lands and natural resources that occur on and in association with forest lands, including trees, other

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plants, animals, soil and water. It includes, but is not limited to, the planting, cultivating, harvesting, transporting and selling of trees for commercial purposes.

**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 cut 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** — means 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” means 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 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 vegetation typically adapted for life in saturated soil conditions including swamps, marshes, bogs and similar areas.

(Ord. 381, 10/2/2002, §103)

**§25-104. Notification and Preparation of a Logging Plan.**

1. Notification of Commencement and Completion. For all timber harvesting operations 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 two business days before the operation is complete. No timber harvesting shall occur until the notice has been provided and approval has been given by the enforcement office. 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 and completion date of the operation.
2. Logging Plan. Every landowner on whose land timber harvesting is to occur shall prepare a written logging plan in the form specified by this Part. No timber harvesting shall occur until the plan has been prepared and approved by the Township. 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 enforcement officer upon request.
3. Responsibility for Compliance. The landowner and the operator shall be jointly and severally responsible for complying with the terms of the logging plan.

(Ord. 381, 10/2/2002, §104)

**§25-105. 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 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.
  - D. The general location of the proposed operation in relation to municipal and state highways, including any accesses to those highways.

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2. Map. Each logging plan shall include a site map 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. For example, steep slopes, wetlands, streams, etc. Disturbance of slopes shall be regulated by Section 10.404 of the Township's Zoning Ordinance, as amended.
  - C. Design, construction and maintenance of stream and wetland crossings.
  - D. The general location of the proposed operation in relation to municipal and state highways, including any access to those highways.
3. 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:
  - A. Erosion and sedimentation control regulations contained in 25 Pennsylvania Code, Chapter 102, promulgated pursuant to the Clean Streams Law (35 P.S. §§ 693.1 et seq.).
  - 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.).
  - C. Stormwater management plans and regulations issued pursuant to the Stormwater Management Act (32 P.S. §§680.1 et seq.).
4. 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 Subsections (1) and (2) of this Section, provided that all information required by these paragraphs is included or attached.

(Ord. 381, 10/2/2002, §105)

### **§25-106. Forest 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, the Pennsylvania Department of Transportation or Allegheny County, whichever is responsible for maintenance of the thoroughfare.
- B. No tops or slash shall be left within 25 feet of any 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 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.
- F. No trees or branches shall be left in a dangerous condition. Cut trees or branches shall not be left standing against or hanging from other trees, and cut trees or branches shall not be left in piles.

(Ord. 381, 10/2/2002, §106)

**§25-107. Responsibility for Road Maintenance and Repair; Road Bonding.**

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. Pursuant to 67 Pennsylvania Code, Chapter 189, the Township may require the landowner or operator to furnish a bond to guarantee the repair of such damages.

(Ord. 381, 10/2/2002, §107)

**§25-108. Logging Operations.**

Logging operations or the removal of products shall be prohibited between the hours of 8:00 p.m. and 7:00 a.m. or at any time on Sundays and on any of the following legal holidays: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving and Christmas.

(Ord. 381, 10/2/2002, §108)

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### **§25-109. Enforcement.**

1. Township Enforcement Officer. The Township Zoning Officer shall be the enforcement officer for §§25-101 through 25-110.
2. Inspections. The Township enforcement officer may go upon the site of any timber harvesting operation before, during or after active logging to review the logging plan or any other required documents for compliance with §§25-101 through 25-110 and inspect the operation for compliance with the logging plan and other on-site requirements of these regulations.
3. Violation Notices; Suspensions. Upon finding that a timber harvesting operation is in violation of any provision of §§25-101 through 25-110, 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 immediately suspension of any operation upon finding that corrective action has not been taken by the date specified in a notice of violation; the operation is proceeding without a logging plan; or the operation is causing an immediate environmental risk. 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 §§25-101 through 25-110 or other applicable statutes or regulations. The landowner or the operator may appeal an order or decision of an enforcement officer within 30 days of issuance to the Board of Supervisors of the Township.
4. Penalties. Any landowner or operator who violates any provision of §§25-101 through 25-110; refuses to allow the Township Enforcement Officer access to a harvest site pursuant to Subsection (2) of this Section or who fails to comply with a notice of violation or suspension ordered issued under Subsection (3) of this Section is guilty of a summary offense and upon conviction shall be subject to a fine or not less than \$300 nor more than \$1,000, plus costs, for each separate offense. Each day of continued violation of any provision of §§25-101 through 25-110 shall constitute a separate offense.

(Ord. 381, 10/2/2002, §109)

### **§25-110. Fees.**

Fees pursuant to the Chapter 1, Part 10 of the Fee Schedule of the Codified Code of Ordinances all landowners/operators shall pay the Township a fee of \$50 for each timber harvesting operation which is undertaken. Said fee may be changed from time to time, by resolution, as deemed necessary by the Board of Supervisors.

(Ord. 381, 10/2/2002, §110)