

Using the Model

Before deciding to adopt any ordinance regulating forestry activities, your community should carefully weigh the questions raised in "Timber Harvesting in Pennsylvania."¹ Adoption of local regulations is not the answer for all communities.

If your community decides that regulations are necessary, the following model ordinance may be helpful. It was first developed in 1994 by a team of professional foresters led by Penn State's School of Forest Resources and was updated in January 2001 to conform to the new forestry-related changes to the Pennsylvania Municipalities Planning Code effected by Act 68 of 2000.

The model is intended to address fairly the needs and concerns of local citizens as well as forest landowners and the forestry industry. It is also designed to be consistent with the so-called "Right to Practice Forestry" provision (53 P.S. §10603(f)) of the Pennsylvania Municipalities Planning Code.

This model is best applied with the assistance of a professional forester who has the expertise to help ensure that the final regulations are tailored to your community's particular circumstances. "Timber Harvesting in Pennsylvania" provides information on how to make contact with a professional forester. Other interested members of the forestry community, such as landowners, loggers, and forest products manufacturers, should also be given an opportunity to become involved in developing the ordinance.



¹This informational booklet, published by the Penn State School of Forest Resources, is available from the Pennsylvania State Association of Township Supervisors (telephone: 717-763-0930); Pennsylvania Department of Community and Economic Development, Governor's Center for Local Government Services (telephone: 717-783-0176); Pennsylvania Department of Agriculture, Hardwoods Development Council (telephone: 717-772-3715); Penn State School of Forest Resources (telephone: 814-863-0401); Pennsylvania Department of Conservation and Natural Resources, Bureau of Forestry District Offices; Pennsylvania Forestry Association (telephone: 717-766-5371); and the Hardwood Lumber Manufacturers Association of Pennsylvania (telephone: 717-312-1244)

Model Regulations

Section 1. Policy; Purpose. In order to conserve forested open space and the environmental and economic benefits they provide, it is the policy of the Township (Borough) of _____ 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 sections 1 through 8 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.

Section 2. Scope; Applicability. To encourage maintenance and management of forested or wooded open space and promote the conduct of forestry as a sound and economically viable use of forested land throughout the Township (Borough), forestry activities, including timber harvesting, shall be a permitted use by right in all zoning districts. Sections 1 through 8 apply to all timber harvesting within the Township (Borough) where the value of the trees, logs, or other timber products removed exceeds \$1,000. These provisions do not apply to the cutting of trees for the personal use of the landowner or for pre-commercial timber stand improvement.

Section 3. Definitions. As used in sections 1 through 8, the following terms shall have the meanings given in this section.

- a) "Felling" means the act of cutting a standing tree so that it falls to the ground.
- b) "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.²
- c) "Landing" means a place where logs, pulpwood, or firewood are assembled for transportation to processing facilities.
- d) "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 title, or 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.



²The 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 Township's (Borough's) land development and subdivision ordinance.

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e) "Litter" means discarded items not naturally occurring on the site such as tires, oilcans, equipment parts, and other rubbish.

f) "Lop" means to cut tops and slash into smaller pieces to allow material to settle close to the ground.

g) "Operator" means an individual, partnership, company, firm, association, or corporation engaged in timber harvesting, including the agents, subcontractors, and employees thereof.

h) "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 land owner, usually because any trees cut are of poor quality, too small or otherwise of limited marketability or value.

i) "Skidding" means dragging trees on the ground from the stump to the landing by any means.

j) "Slash" means woody debris left in the woods after logging, including logs, chunks, bark, branches, uprooted stumps, and broken or uprooted trees or shrubs.

k) "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.

l) "Stream" means any natural or artificial channel of conveyance for surface water with an annual or intermittent flow within a defined bed and bank.

m) "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.

n) "Top" means the upper portion of a felled tree that is not merchantable because of small size, taper, or defect.

o) "Wetland" means 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.

Section 4. Notification; preparation of a logging plan.

a. Notification of commencement or completion. For all timber harvesting operations that are expected to exceed ____ acres, the landowner shall notify the Township (Borough) enforcement officer at least ____ business days before the operation commences and within ____ 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.

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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. 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 (Borough) 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 5. Contents of the logging plan.

a. Minimum requirements. As 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, 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 wetland crossings; and
- 4) The general location of the proposed operation in relation to municipal and state highways, including any accesses to those highways.

b. Map. Each logging plan shall include a sketch map or drawing containing the following information:

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

c. Compliance with state law. The logging 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.); and

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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.).

d. 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 Title 25 Pennsylvania Code, Chapter 102, shall also satisfy the 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 6. Forest practices. The following requirements shall apply to all timber harvesting operations in the Township (Borough).

a. Felling or skidding on or across any public thoroughfare is prohibited without the express written consent of the Township (Borough) or the Pennsylvania Department of Transportation, whichever is responsible for maintenance of the thoroughfare.

b. No tops or slash shall be left within twenty-five feet of any public thoroughfare or private roadway providing access to adjoining residential property.

c. All tops and slash between twenty-five and fifty feet from a public roadway or private roadway 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 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 7. Responsibility for road maintenance and repair: road bonding.

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 (Borough) 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.

Section 8. Enforcement.

a. **Township (Borough) Enforcement Officer.** The _____ shall be the enforcement officer for sections 1 through 8.

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b. Inspections. The Township (Borough) 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 sections 1 through 8 and (2) inspect the operation for compliance with the logging plan and other on-site requirements of these regulations.

c. Violation notices; suspensions. Upon finding that a timber harvesting operation is in violation of any provision of sections 1 through 8, the Township (Borough) 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 (Borough) 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. 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 (Borough) enforcement officer, the operation is brought into compliance with sections 1 through 8 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 (Borough).

d. Penalties. Any landowner or operator who (1) violates any provision of sections 1 through 8; (2) refuses to allow the Township (Borough) enforcement officer access to a harvest site pursuant to paragraph (b) of this section or who fails to comply with a notice of violation or suspension order issued under paragraph (c) of this section is guilty of a summary offense and upon conviction shall be subject to a fine of not less than one hundred dollars nor more than three hundred dollars, plus costs, for each separate offense. Each day of continued violation of any provisions of sections 1 through 8 shall constitute a separate offense.