

# ORDINANCE NO. 2018-04

## AN ORDINANCE OF PENN TOWNSHIP, CUMBERLAND COUNTY, PENNSYLVANIA ADOPTING AND REQUIRING BEST MANAGEMENT PRACTICES FOR SILVICULTURAL ACTIVITIES IN FORESTED AREAS

BE IT ORDAINED AND ENACTED BY THE SUPERVISORS OF PENN TOWNSHIP,  
CUMBERLAND COUNTY, PENNSYLVANIA AND IT IS HEREBY ORDAINED AND  
ENACTED BY THE SAME AS FOLLOWS:

**SECTION I. TITLE** – The Ordinance shall be known and cited as the Silvicultural Activities Ordinance

**SECTION II. ADOPTION AND ENACTMENT AUTHORITY** – The Board of Supervisors enacts and ordains the herein Ordinance by the authority granted them as specified by: P. L. 486, Section 1, as amended; P. L. 73, section 1; Re-Enacted and amended P. L. 288, No 88, Section 1, imd. Effective; P. L. 94, No. 40, Section 1; as affected P. L. 202, No. 53, Section 2 (a)[1133]; as amended P. L. 105, No.20, Section 1, P. L. 1329, No. 170, Section 2, et seq.

**SECTION III. PURPOSE** -The purpose of the Ordinance is to require all silvicultural activities to be performed using Best Management Practices to ensure the future health and productivity of the forest.

**SECTION IV. DEFINITIONS** – The following words, terms and phrases shall have the meanings described herein ascribed thereto unless the context clearly indicated a different meaning.

**BASAL AREA** – The area in square feet per acre occupied by tree stems at 4.5 feet above the ground, normally measured by a calibrated prism or angle gauge

**BEST MANAGEMENT PRACTICES (BMPs)** – The BMPs for Silvicultural Activities in Penn Township are contained in the **Best Management Practices for Pennsylvania Forests**, a Guide to forest resource management prepared by the Penn State College of Agricultural Sciences.

**INTERMITTENT STREAM** – A stream whose water flow normally occurs in the wetter parts of the year (October thru April) or following a major stream event

**LANDING** – A place where logs are assembled for transportation in loads.

**LITTER** – Discarded items nor naturally accruing on the site. (i.e., tires, oil canes etc)

**LOGGING PLAN** – A written description with a map of a specific logging operation prepared before the operation commences

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**LOPPING** – To cut tops and slash into smaller pieces to allow material to settle close to the ground.

**OPERATOR** - The individual, partnership, company, firm, association, or corporation engaged in the harvest of timber including his/her agents, or subcontractors, or employees.

**OWNER** - The individual, partnership, company, firm, association, or corporation engaged in the harvest of timber including his/her agents, or subcontractors, or employees.

**PERENNIAL STREAM** - A stream whose water flow normally occurs year-round.

**PERMIT** - Written permission, warrant, or license granted by a governmental authority.

**SKIDDING** - Dragging trees on the ground, by any means, from the stump to the landing.

**SLASH**- Woody material left after logging, including logs, chunks, bark, branches, stumps, and broken understory trees or brush.

**STREAM**- Any channel of conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow. 5.20 Tree Harvesting (also timber harvesting/logging): The cutting down and removal of trees and logs to be converted to any forest product or for sale to others.

**TOPS** - The upper portion of a felled tree not merchantable because of small size, taper, or defect.

**TROUT STREAM** - Any cold-water stream which supports a trout fishery that is managed, stocked, or regulated by the Pennsylvania Fish Commission.

**SECTION V APPLICABILITY** - The provisions and requirements of this ordinance shall apply to all tree harvesting operations within the township except that notification and submission of plans shall be required only as outlined in Sections VII-8.06 and VII-8.07.

**SECTION VI RESPONSIBILITY** - It shall be the responsibility of each landowner on whose land tree harvesting is to be carried out to develop or have developed the logging plan and submit notification as required in this ordinance. It shall be the joint responsibility of the landowner and the operator to see that they carry out the provisions of the logging plan.

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## SECTION VII LOGGING PLAN

A logging plan shall be prepared for each harvesting operation within Penn Township by a professional forester or forest technician. The plan will address all applicable erosion and sedimentation control and stream crossing regulations under Chapter 102, Erosion Control Rules and Regulations issued under Act of June 22, 1937 (Clean Streams Law), and Chapter 105, Dam and Waterway Management Rules and Regulations issued under Act of 1978, P.L. 1375, No. 325 (Dam Safety and Encroachments Act), as amended, or subsequent applicable legislation.

Points that shall be addressed by the logging plan, including the following as a minimum:

- A. Design of the road system.
- B. Water control structures.
- C. Stream crossings.
- D. Log landings.
- E. Haul roads, skid roads, and skid trails
- F. Maintenance of items A through E.
- G. Road and log landing retirement.
- H. The general location of the anticipated operation in relation to municipal and state highways.
- I. The location of property boundaries for the tract on which the logging will take place and the boundaries of the proposed harvest area.
- J. A cutting practice or stand prescription for each stand located in the proposed harvest area.
- K. Copies of all required permits shall be submitted as an Appendix to the logging plan.
- L. Erosion and Sediment Pollution Control measures.
- M. Temporary and permanent stabilization.

The plan required by the rules and regulations referred to in the Paragraph above shall satisfy the requirements of this ordinance if points H, I, and J are addressed.

A copy of the written logging plan shall be onsite and submitted upon request

For all tree harvesting operations that are expected to exceed five acres, the township enforcement officer shall be notified before the beginning and end of the operation.

The erosion and sediment control and stream crossing requirements addressed in the logging plan shall be followed at all times during the operation.

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**SECTION VIII GENERAL OPERATIONAL REQUIREMENTS:** The following requirements shall govern all timber harvesting activity.

Felling or skidding on or across any public right-of-way is prohibited without the express written consent of the municipality or the Pennsylvania Department of Transportation, whichever is responsible for maintenance of said right-of-way.

No tops or slash shall be left within twenty-five (25) feet of any public right-of-way.

All tops and slash between a distance of twenty-five (25) and fifty (50) feet from a public right-of-way shall be lopped to a maximum height of four (4) feet above the surface of the ground.

No tops or slash shall be left on or across a property boundary without the consent of the adjoining landowner.

Litter resulting from any logging operation shall be cleaned up and removed from the site before it is vacated by the operator.

Because trout streams are an important natural resource which need special protection, logging within seventy-five (75) feet each side of trout streams is prohibited unless all of the following conditions are met:

The basal area of trees in that area within the seventy-five (75) foot zone shall not be reduced below 50 percent of the basal area present before cutting or below 65 square feet per acre, whichever is higher;

Trees to be cut within the seventy-five (75) foot zone described shall be marked above and below stump height with tree marking paint prior to the start of logging.

The name and location of all trout streams which cross the area to be logged must be clearly indicated on the logging plan map.

In any case, where activities meet the definition of "earth disturbance activity" per 025 PA Code Chapter 102, all applicable riparian buffer requirements per 025 PA Code Chapter 102.14 must be met.

### **SECTION IX ENFORCEMENT**

The enforcement officer designated by the township may go upon the site of any tree harvesting operation before, during, and after the active logging to review plans and other required documents to ensure that such plans and documents are in

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compliance with the provisions of this ordinance and to ensure that the actual operation is proceeding in compliance with these plans. It is recommended that the landowner or landowner's representative be contacted and invited to be present during the inspection.

Any logging operation found to be proceeding without a logging plan as described in this ordinance shall immediately cease operations and shall not resume until a plan is prepared and submitted to the township enforcement officer for his/her approval.

When any operator is found to be violating any provision of this ordinance, the township enforcement officer shall provide the operator and the landowner or landowner's representative with a written statement describing each violation and specifying a date by which corrective action must be taken.

When the township enforcement officer finds a condition in a logging operation to be causing an immediate environmental risk, he shall immediately order operations to cease, and contact the Cumberland County Conservation District and request enforcement of the rules and regulations referred to under Section VII of this ordinance.

**SECTION X. PENALTIES** - Any landowner or operator who violates any provision of this ordinance is guilty of a civil offense, and upon conviction, such landowner or operator shall be subject to a fine of up to Five Hundred Dollars (\$500.00) together with reasonable legal fees. Each day that a violation continues shall constitute a separate violation of this Ordinance.

**SECTION XI SEVERABILITY:** - The articles, sections, subsections, sentences, clauses, phrases and provisions of this Ordinance are severable and if any of the articles, sections, subsections, sentences, clauses, phrases and provisions hereof are for any reason held by a court of competent jurisdiction to be invalid, such decision so holding that provision or provisions invalid shall not affect and shall not be construed to affect or impair the remaining provisions of this Ordinance which were not to be invalid. It is the declared intent of the Board of Supervisors of Penn Township that this Ordinance would have been adopted had such provision or provisions held invalid not been included therein.

**SECTION XII INCONSISTENT ORDINANCES; REPEALER:** - All other Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance shall be and the same hereby repealed to the extent that they are inconsistent with the herein Ordinance.

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**SECTION XIII EFFECTIVE DATES:** This Ordinance is effective five days after its enactment.

**ORDAINED AND ENACTED** this 12th day of July, 2018

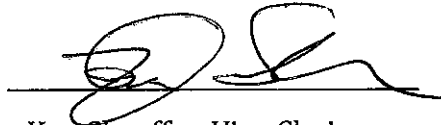
ATTEST:



Vicki Knepp, Secretary



Gary Martin, Chairman



Ken Sheaffer, Vice Chairman



Ronald Tritt, Supervisor