

TOWNSHIP OF INDIANA

ORDINANCE NO. 231

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE TOWNSHIP OF INDIANA, PENNSYLVANIA, TO PROVIDE FOR THE REGULATION OF TREE HARVESTING IN THE TOWNSHIP; REQUIRING THE SUBMISSION OF LOGGING PLANS; REQUIRING COMPLIANCE WITH APPLICABLE EROSION AND SEDIMENTATION CONTROL AND STREAM CROSSING REGULATIONS; SETTING GENERAL OPERATIONAL REQUIREMENTS FOR TIMBER HARVESTING ACTIVITY; PROVIDING FOR ENFORCEMENT THEREOF; AND PROVIDING FOR PENALTIES FOR VIOLATION THEREOF.

The Board of Supervisors of the Township of Indiana, Pennsylvania hereby ordain that Part 14 of the Codified Ordinances of the Township of Indiana be amended by adding the following new Chapter 1450:

CHAPTER 1450

TREE HARVESTING

1450.01 INTENT

The intent of this Chapter is to:

- (a) Provide for the regulation of tree harvesting practices and to allow for and encourage proper forest management within the Township in order to ensure:
1. That the right to harvest trees is exercised with due regard for the protection of the physical property of adjacent landowners;
 2. That the potential for negative environmental impacts resulting from improper tree harvesting is minimized;
 3. That the conditions outlined in and required by the Storm Water Management Act, Act No. 167 of 1978, 32 P.S. §680.1 et seq.; the Clean Streams Law, Act No. 222 of 1932, 35 P.S. §691.1 et seq.; and the Dam Safety and Encroachments Act, Act No. 325 of 1978, 32 P.S. §693.1 et seq. and regulations and ordinances promulgated and enacted thereunder are properly adhered to;

4. That long-term production of timber crops is encouraged;
- (b) Recognize tree harvesting as an important legitimate activity in the forest land of the Township. This Chapter is not intended to prescribe specific cutting practices, or to prevent or hinder any landowner from realizing financial return from the sale of trees, or to prevent or hinder tree harvesting or forest industry operators from pursuing their business within the Township.

1450.02 DEFINITIONS

As used in the Chapter, the following shall mean:

- (a) "Felling" means the act of cutting a standing tree so that it falls to the ground.
- (b) "Intermittent Stream" means a stream whose water flow normally occurs in the wetter parts of the year (October through April) or following major storm events.
- (c) "Landing" means a place where logs are assembled for transportation in loads.
- (d) "Logging Plan" means a written description with a map of a specific logging operation prepared before the operation commences.
- (e) "Lopping" means to cut tops and slash into smaller pieces to allow material to settle close to the ground.
- (f) "Operator" means the individual, partnership, company, firm, association, or corporation engaged in the harvesting of timber including his agents, subcontractors or employees.
- (g) "Landowner" means the individual, partnership, company, firm, association or corporation which holds legal or equitable title to standing timber and/or the land on which it is situated, including his agents, subcontractors or employees.
- (h) "Perennial Stream" means a stream whose water flow normally occurs year-round.
- (i) "Skidding" means dragging trees on the ground, by any means, from the stump to the landing.

- (j) "Slash" means debris left after logging, including logs, chunks, bark, branches, stumps and broken understory trees or brush.
- (k) "Stream" means any channel of conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow.
- (l) "Tree Harvesting" or "Timber Harvesting" or "Logging" means the cutting down and removal of trees and logs to be converted to any forest product or for sale to others. This definition excludes "ornamental trees" and/or other nursery endeavors.
- (m) "Clear Cut" means the felling of substantially all trees on a tract of land, or portion thereof.
- (n) "DBH" means the diameter of a tree at breast height, usually measured 4.5 from the ground surface.
- (o) "Basal Area" means the cross-sectional area of trees calculated in square feet as measured at the DBH.
- (p) "Tops" means the upper portion of a felled tree not merchantable because of small size, taper, or defect.
- (q) "Township Enforcement Officer" means the Township Zoning Officer.

1450.03 APPLICABILITY

This Chapter shall apply to all tree harvesting operations within the Township with the exception of those activities pertaining to the cultivation and harvesting of "ornamental trees" and/or other nursery endeavors.

1450.04 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 to submit notification as required in this Chapter. It shall be the joint responsibility of the landowner and the operator to see that the provisions of the logging plan are carried out.

1450.05 REGULATIONS

- (a) A logging plan shall be prepared for each tree harvesting operation within the Township.

- (b) The logging plan shall address and comply with all applicable standards for erosion and sedimentation control and stream crossing regulations under 25 Pennsylvania Code, Chapter 102, Erosion Control Rules and Regulations, issued pursuant to the Clean Streams Law, and 25 Pennsylvania Code, Chapter 105, Dam and Waterway Management Rules and Regulations, issued pursuant to the Dam Safety and Encroachments Act.
- (c) The logging plan shall address and comply with all applicable standards for storm water management as set forth in the Storm Water Management Act, and regulations, storm water management plans and ordinances issued or enacted pursuant thereto.
- (d) At a minimum, the logging plan shall address each of the following:
1. Design of the road system.
 2. Water control structures.
 3. Stream crossings.
 4. Log landings.
 5. Haul roads, skid roads, and skid trails.
 6. Maintenance.
 7. Road Use.
 8. Road and log landing retirement.
 9. The general location of the anticipated operation in relation to municipal and state highways.
 10. The location of property boundaries for the tract on which the logging will take place.
 11. Approximate starting and completion dates for the operation.
- (e) Section 1450.05(d) shall be satisfied if the logging plan complies with §1450.05(b) and §1450.05(d) (9), (10) and (11) also are addressed.
- (f) The logging plan and any amendments thereto shall be filed with the Township enforcement officer at least five (5) business days before the beginning

of any tree harvesting operations pursuant to the plan or amended plan.

- (g) Within five (5) business days of receipt of any logging plan or amendment thereto, the Township enforcement officer shall either deny, approve or approve with conditions the logging plan or amendment. No tree harvesting operation may commence or continue except in accordance with an approved logging plan or amended logging plan. Any person aggrieved by the decision of the Township enforcement officer may appeal the decision within thirty (30) days to the Township Board of Supervisors.
- (h) The fee for the processing of a logging plan shall be \$25 for the original plan and \$10 for any amendment thereto. In the event the Township enforcement officer determines that the logging plan or amendment necessitates the review of the Township Engineer, the processing fee shall be increased to include the cost of the Township Engineer's services. No logging plan or amendment shall be approved until all processing fees are paid.
- (i) The Township enforcement officer shall be notified at least five (5) business days before the beginning of all tree harvesting operations and within five (5) business days before or after the date of completion.
- (j) The erosion and sediment control and stream crossing requirements addressed in the logging plan shall be followed at all times during the tree harvesting operation.
- (k) General operational requirements: The following requirements shall govern all timber harvesting activity:
 - 1. 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 said thoroughfare.
 - 2. A minimum of 10 square feet of basal area per acre of desirable commercial species shall be retained in situ on the harvest site. The following table shall be used to compute the basal area of the retained trees:

<u>D.B.H.</u> <u>Inches</u>	<u>Basal Area</u> <u>Per Tree</u> <u>Sq. Ft.</u>	<u>D.B.H.</u> <u>Inches</u>	<u>Basal Area</u> <u>Per Tree</u> <u>Sq. Ft.</u>
1	.005	16	1.396
2	.022	17	1.576
3	.049	18	1.767
4	.087	19	1.969
5	.136	20	2.182
6	.196	22	2.640
7	.267	24	3.142
8	.349	26	3.684
9	.442	28	4.273
10	.545	30	4.905
11	.660	32	5.581
12	.785	34	6.300
13	.922	36	7.063
14	1.069	38	7.870
15	1.227	40	8.720

3. No tops or slash shall be left within twenty-five (25) feet of any public thoroughfare.
4. All tops and slash between a distance of twenty-five (25) and fifty (50) feet from a public thoroughfare shall be lopped to a maximum height of four (4) feet above the surface of the ground.
5. All tops and slash throughout the cutting site shall be lopped to a maximum height of twelve (12) feet above the surface of the ground.
6. A ten (10) foot buffer zone of untouched timber shall be maintained between the cutting site and adjacent property boundaries unless specifically waived in writing by the adjacent property owner.
7. Tree Harvesting and related activity covered by an approved logging plan shall be conducted only between the hours of seven o'clock a.m. and six o'clock p.m. unless these time limits are extended, excused or otherwise modified in writing by the Board of Supervisors or its designee. Operation during other hours is prohibited.
8. Daily cleanup: All soil washed or carried onto public streets during tree harvesting operations shall be cleaned up each day. Temporary driveways or road surfaces shall be provided as soon as possible. The landowner

shall be responsible to protect and clean up lower properties of silt and debris which have washed down onto the lower properties as a result of the tree harvesting on the higher property.

9. Permanent cleanup: Litter resulting from any logging operation shall be cleaned up and removed from the site before it is vacated by the operator. All logging debris, including small tree tops and branches, shall either be hauled from the site or properly mulched on the site and spread and the property shall be completely restored to a pre-logging condition. Any roads or grading to facilitate roads necessary for the logging operation shall be completely regraded and reseeded to restore the property to a pre-logging condition and shall otherwise comply with the Township Grading Ordinance. Proper erosion and sedimentation control measures shall be taken on disturbed property to prevent accelerated water run-off.

1450.06 ENFORCEMENT

- (a) The Township enforcement officer may go upon the site of any tree harvesting operation before, during or after the active logging to review the tree harvesting operation, the logging plan and any amendment thereto and other required documents to ensure that such plans and documents are in compliance with the provisions of this Chapter and to ensure that the actual operation is proceeding in compliance with the approved logging plan or amended logging plan.
- (b) Any logging operation found to be proceeding without a logging plan or to be operating beyond the scope of an approved logging plan or amended logging plan as described in this Chapter shall immediately cease operations and shall not resume until a logging plan is prepared and submitted to the Township enforcement officer and approved by the officer.
- (c) When any operator or landowner is found to be violating any provision of this Chapter or of any approved logging plan or amended logging plan, the Township enforcement officer shall provide the operator and landowner with a written statement describing each violation and specifying a date by which corrective action must be taken. Such

corrective work shall be completed by the date specified or within seven (7) calendar days of such written notification., whichever is sooner. If not so corrected by the date specified or within said seven (7) days, the operator and the landowner shall be subject to the penalties provided in §1450.99. Tree harvesting activities shall be suspended until the corrective work has been completed and approved by the Township.

- (d) 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 Allegheny County Conservation District and request enforcement of the rules and regulations referred to under Section 1450.05(b) of this Chapter.
- (e) If it is necessary for the Township enforcement officer to obtain a survey or surveying services to establish a violation of this Ordinance and if a violation is found to exist, the owner shall also pay to the Township, in addition to other penalties provided for herein, an amount equal to the cost of the survey or said surveying services.

1450.99 PENALTIES

Any landowner or operator who violates any provision of this Chapter is guilty of a summary offense and upon conviction shall be subject to a fine of not less than one hundred dollars (\$100) nor more than three hundred dollars (\$300), plus costs, for each separate offense. Each day of continued violation of any provision of this Chapter shall constitute a separate offense.

ORDAINED AND ENACTED this 12th day of APRIL, 1988.

ATTEST:

TOWNSHIP OF INDIANA

Mitchell T. Howell
Secretary

By: [Signature]
Mayor

Approved as to form:

Thomas L. Snyder
Solicitor