TOWNSHIP OF INDIANA

ORDINANCE NO. 402

AN ORDINANCE OF THE TOWNSHIP OF INDIANA, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, REPEALING ORDINANCE NO. 231; ENACTING REGULATIONS FOR TIMBER HARVESTING PRACTICES AND TO ALLOW FOR AND ENCOURAGE PROPER FOREST MANAGEMENT WITHIN IN THE TOWNSHIP; AND PROVIDING FOR ENFORCEMENT AND PENALTIES FOR VIOLATION THEREOF

WHEREAS, Indiana Township Ordinance No. 231, enacted on April 12, 1988, established Chapter 1450 of the Codified Ordinances of the Township of Indiana, and currently regulates the practice of timber harvesting within Indiana Township; and

WHEREAS, the practices of forestry activity and timber harvesting have been established in Pennsylvania as "a permitted use by right in all zoning districts in every municipality," pursuant to Section 603(f) of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10603(f); and

WHEREAS, the Pennsylvania Office of the Attorney General has recommended that specific timber harvesting regulations be enacted by local municipalities; and

WHEREAS, the Board of Supervisors of the Township of Indiana believes that it is in the best interest of the Township that the Township adopt such regulations to remain compliant with the Pennsylvania Agricultural Communities and Rural Environment ("ACRE") law and other state law; and

WHEREAS, the Board of Supervisors of the Township of Indiana wishes to repeal Township Ordinance No. 231 and to enact these regulations to govern timber harvesting activity in the Township.

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NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of Indiana, Allegheny County, Pennsylvania, as follows:

Section 1.

Ordinance No. 231 shall be deleted in its entirety, and Chapter 1450 of the Codified Ordinances of the Township of Indiana shall now state as follows:

CHAPTER 1450

TREE HARVESTING

Section 1450.01. Policy; Purpose. In order to conserve forested open space and the environmental and economic benefits they provide, it is the policy of the Township of Indiana 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 this Chapter 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 1450.02. 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, forestry activities, including timber harvesting, shall be a permitted use by right in all zoning districts. The provisions of this Chapter apply to all timber harvesting within the Township 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 1450.03. Definitions. As used in this Chapter, the following terms shall have the meanings given them 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,

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harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.

c. "Landing" means a place where logs, pulpwood, or firewood are assembled for transportation to processing facilities.

d. "Litter" means discarded items not naturally occurring on the site such as tires, oil cans, equipment parts, and other rubbish.

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

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

g. "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 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.

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 landowner, 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 banks.

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 unmerchantable because of small size, taper, or defect.

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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 1450.04. Preparation of a logging plan; Notification.

a. 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 Code Enforcement Officer upon request.

b. Township review and approval of logging plan. The written logging plan shall be filed with the Township Code Enforcement Officer at least thirty (30) days before the beginning of any tree harvesting operations pursuant to the plan. The fee for the processing of a logging plan shall be established by Resolution of the Board of Supervisors.

Within fifteen (15)) business days of receipt of any logging plan or amendment thereto, the Township Code 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 Code Enforcement officer may appeal the decision within thirty (30) days to the Township of Indiana Board of Supervisors.

c. Responsibility for compliance. The landowner and the operator shall be jointly and severally responsible for complying with the terms of the logging plan.

d. Notification of commencement or completion. After the logging plan has been approved by the Township, the landowner shall notify the Township Code Enforcement Officer at least five (5) business days before the operation commences and within five (5) 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. Township approval of a logging plan shall expire one year from the date of approval.

Section 1450.05. Contents of the logging plan.

a. Minimum requirements. As a minimum, the logging plan shall include the following:

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(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;

(5) Written authorization from the landowner that the operator is permitted to conduct timber harvesting activities in accordance with logging plan on the subject property.

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 laws and regulations including, but not limited to, the following:

(1) Erosion and sedimentation control regulations contained in 25 Pennsylvania Code, Chapter 102, promulgated pursuant to the Clean Streams Law (35 P.S. §§691.1 et seq.);

(2) 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.); and

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(3) All other applicable statutes and regulations of the Pennsylvania Department of Environmental Protection and the Allegheny County Conservation District.

d. Relationships of state laws, regulations, and permits to the logging plan. Any permits and/or approval letters required by state laws and regulations, or by the Allegheny County Conservation District, 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 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. Copies of said permits and/or approval letters shall be available at all times at the operation site.

Section 1450.06. 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 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 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. Littering resulting from a timber harvesting operation shall be removed from the site before it is vacated by the operator.

f. Throughout the timber harvesting operation and following its completion, the site shall be maintained in an orderly fashion pursuant to industry standards. Leftover slash shall be scattered and/or piled to restore ecological balance at the site. Upon completion of the operation, all haul and skid roads shall be seeded and graded to their pre-logging condition.

g. Hours of Operation. Timber harvesting operations shall be authorized from 7:00 AM to 6:00 PM, Monday through Saturday. No timber harvesting operations shall be permitted on Sundays or legal holidays.

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Section 1450.07. Responsibility for road maintenance and repair; road bonding. Pursuant to Title 75 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 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 shall be required to furnish a bond to guarantee the repair of such damages. Digital photographs and/or video showing the condition of Township roads to be accessed in the timber harvesting operation shall be submitted with the roadway bond.

Section 1450.08. Enforcement.

a. Township Enforcement Officer. The Township Code Enforcement Officer shall be the enforcement officer for this Chapter.

b. Inspections. The Township Code Enforcement Officer or a designee 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 Chapter 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 this Chapter, the Township Code 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 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. 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 Code Enforcement Officer, the operation is brought into compliance with this Chapter 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 Board of Supervisors of the Township of Indiana.

d. Penalties. Any landowner or operator who (1) violates any provision of this Chapter; (2) refuses to allow the Township Code 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 ($100) nor more than three hundred dollars ($300), plus costs, for each separate offense. Each day of continued violation of any provision shall constitute a separate offense.

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Section 2. Effective Date / Repealer

This Ordinance shall become effective immediately upon enactment and shall repeal all prior inconsistent ordinances and resolutions to the extent of such inconsistency.

Section 3. Severability

If a final decision of a court of competent jurisdiction holds any provision of this Ordinance or the application of any provision of this Ordinance to any circumstance to be illegal or unconstitutional, the other provisions of this Ordinance and the application of such provisions to other circumstances shall remain in full force and effect.

ORDAINED AND ENACTED this _____ day of _____, 2025.

ATTEST: **TOWNSHIP OF INDIANA**

_____ _____

Board of Supervisors

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