

ARTICLE 2400
Timber Harvesting and Forest Management

§ 208-2401. Purpose.

In order to conserve forests and the environmental and economic benefits they provide, it is the policy of Marshall Township to encourage the owners of forest land to continue to use their land for forestry purposes, including timber production, wildlife habitat management, watershed protection, recreational opportunities and amenity values. The following provisions 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.

§ 208-2402. Permit required.

- A. **TIMBER HARVESTING OPERATIONS** within the Township of Marshall on any parcel of property over one (1) acre in size shall require a timber harvesting permit, which shall be valid for a period of one (1) year. The timber harvesting permit shall be issued by the Township for the entire site, but subject to review for each cutting block. Harvesting will be controlled by establishing cutting blocks on the permitted site. A timber harvesting permit shall be valid for a maximum of one (1) cutting block at a time. The harvester shall complete and restore a cutting block to the satisfaction of the Township before commencing timber harvesting in the next cutting block. A timber harvesting operation that moves from one cutting block to another without first receiving the approval of the Township shall be considered a violation of this Chapter and shall be subject to the penalties referenced in this Chapter and any other appropriate legal processes. If the timber harvesting operation is conducted without or in violation of a Township permit, then the landowner and the timber harvesting operator shall each be in violation of this Chapter and each shall be subject to the penalties under this Chapter.

§ 208-2403. Application procedures.

- A. Application for a timber harvesting permit shall be made in writing to the Zoning Officer on forms provided by the Township. Such application shall be accompanied by two (2) copies of the following:
1. A site plan as described in § 208-2405 (B)
 2. A Forest Management Plan as described in §208-2405 (A)
 3. An Erosion and Sedimentation Control Plan as approved by the Allegheny County Conservation District. A copy of the agency's review/approval comments should be attached.
 4. Financial Security as described in §208-2408
 5. Application fee as set from time to time by resolution of the Township Board of Supervisors.
 6. Certificate of insurance as described in §208-2408.

- B. The Zoning Officer and the Township Forester shall examine the application and the Township Forester will provide a recommendation to the Zoning Officer who will either approve or reject said application within thirty (30) days after all necessary filing and required information have been submitted. If the application is rejected, the Zoning Officer shall inform the applicant in writing, stating the reasons for such rejection.
- C. A copy of all plans and applications for proposed TIMBER HARVESTING OPERATIONS to be considered for approval may be submitted by the Township Zoning Officer for review by any other appropriate Township consultant or governmental agency, including but not limited to the Township Forester; the Township Engineer; the Pennsylvania Department of Conservation and Natural Resources, Bureau of Forestry, Fish and Boat Commission, Bureau of Dams and Waterways Management; the Pennsylvania Department of Environmental Protection; and the Allegheny County Conservation District.

§ 208-2404. Notification and preparation of Forest Management Plan.

- A. Notification of Commencement or Completion. The holder of a timber harvesting permit shall notify the Township at least two (2) business days before the operation commences and within two (2) 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 shall occur, the expected size of the harvest area, and, as applicable, the anticipated starting or completion date of the operation.
- B. Forest Management Plan. Every landowner on whose land timber harvesting is to occur shall prepare a written Forest Management Plan in the form specified by this Article. No timber harvesting shall occur until the required plans have been prepared and the permit approved by the Township. The provisions of the Forest Management Plan shall be followed through out the timber harvesting operation. This plan shall be available at the harvest site at all times during the operation and shall be provided to the Township Staff upon request.
- C. Responsibility for Compliance. The landowner and the operator shall be jointly and severally responsible for complying with the terms of the Forest Management Plan.

§208-2405. Contents of the Forest Management Plan.

- A. Minimum Requirements. At a minimum, the Forest Management 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;
 - 4. The general location of the proposed operation in relation to State, County, and municipal roads, including any access to those roads;

5. The type and rate of seeding/mulching to be used and where it will be placed, to stabilize soil after logging;
 6. Any other requirement deemed necessary by the Township to protect the public health, safety, and welfare.
- B. Site Plan. Each Forest Management Plan shall include a site plan containing the following information:
1. Site location and boundaries, including both the boundaries of the property in which the timber harvest will take place and the number and location of the (10) acre cutting blocks within that property;
 2. A site location map which shall be taken from the Zoning Map, drawn at a minimum scale of one (1) inch equals twelve hundred (1,200) feet, to include the location of the proposed timber harvesting operation in relation to the township boundaries, public streets, and all properties adjoining the property being developed;
 3. Total acreage of site and total acreage of timber harvesting area;
 4. Contours as shown on the current version of the U.S.G.S. topographical map;
 5. Significant topographic features related to potential environmental problems, including slopes 25% and greater, landslide prone areas, unstable soils and flood prone areas;
 6. Location of all earth disturbance activities such as roads, landings, and water control measures and structures;
 7. Location of all crossings of waters of the Commonwealth; and
 8. The general location of the proposed operation in relation to State, County, and municipal roads, including any access to those roads.
- C. Compliance with State Law. The timber harvesting 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.), as amended;
 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. §§ 69.3.1 et seq.), as amended; and

3. Stormwater Management Plans and regulations issued pursuant to the Stormwater Management Act (32 P.S. §§ 680.1 et seq.), as amended.
 - a. Relationship of state laws, regulations, and permits to the Forest Management Plan. Any permits required by State laws and regulations shall be attached to and become part of the Forest Management 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 Forest Management Plan and associated map specified in paragraphs A and B of this section provided that air information required by these paragraphs is included or attached.
 - b. Best Management Practices. Best management practices as provided for in "Best Management Practices for Pennsylvania Forests", Penn State College of Agricultural Sciences 1996, as amended; "Best Management Practices for Silvicultural Activities in Pennsylvania's Forest Wetlands", Penn State University School of Forest Resources, College of Agricultural Sciences, and the Pennsylvania Hardwoods Development Council, 1993, as amended; and "Controlling Erosion and Sediment from TIMBER HARVESTING OPERATIONS", The Commonwealth of Pennsylvania Department of Environmental Protection Bureau of Water Quality Protection, 1999, as amended, shall be utilized, for all forest management and timber harvesting operations. Any conflict in what is the best management practice shall be decided by the Township Forester who shall determine the best management practice consistent with the above guidelines.

§208-2406. General requirements.

- A. The following requirements shall apply to all TIMBER HARVESTING OPERATIONS in the Township.
 1. All timber harvesting slash shall either remain on the ground as it fell (no slash shall be taller than (6) feet in height), be accumulated into bush piles of height not exceeding six (6) feet above ground, be mulched on the site, or be removed from the site.
 2. All slash piles shall be located a minimum of fifty (50) feet from any public road, private road, driveway, and/or property line.
 3. Diameter-limit: cutting shall not be permitted.
 4. Clearcutting shall not be permitted on a property unless approved by the Township Forester based upon a determination that: clearcutting will significantly assist in forest regeneration; clearcutting will not cause excessive erosion and sedimentation; clearcutting will not be done within 50 feet of any public road right-of-way or any abutting property; clearcutting is consistent all applicable federal, state and local.
 5. Timber harvesting shall not be undertaken on any ground with a slope exceeding fifty percent(50%).
 6. Timber Harvesting on slopes exceeding twenty-five percent (25 %) will be permitted as long as the harvesting is not taking place on soils prone to slipping and landslides as per the Soil Survey of Allegheny County, Pennsylvania.

7. Proper erosion and sedimentation control measures shall be taken on disturbed property to prevent accelerated water runoff.
8. No on-site retail sale of harvested wood or logs shall be permitted on the property unless the property is located in a commercial zoning district.
9. Timber buffer zones of twenty-five (25) feet along all public roads, private roads, and property lines shall be maintained on the property on which the timber harvesting is being conducted.
10. Timber buffer zones of twenty-five (25) feet along all streams or springs shall be maintained on the property on which the timber harvesting is being conducted.
11. All cutting, removing, skidding and transporting of trees as part of the timber harvesting shall be planned and performed in such a manner as to minimize the disturbance of or damage to other trees, vegetation and the land itself.
12. Roads and trails shall be constructed, maintained and abandoned in such manner as to prevent soil erosion and permanent damage to soil and waterways.
13. Where possible, stream crossings shall be avoided, however where deemed necessary by the Township Forester and/or Township Engineer crossings shall be made at right angles across suitable culverts or bridges.
14. Hauling or skidding or placing fills or other obstructions in perennial or intermittent streams is prohibited except over culverts or bridges and as approved by the Township Forester and/or Township Engineer.
15. Felling or skidding on or across property of others is prohibited without the express written consent of the owners of such property. Felling or skidding on or across any public street is prohibited without the express written consent of the Township (in the case of Township roads), the Pennsylvania Department of Transportation (in the case of State Roads), or Allegheny County (in the case of County Roads).
16. Upon the completion of timber harvesting, all skid and haul roads shall be seeded with annual grasses and access to such roads from public or private streets by motor vehicles of any kind shall be effectively blocked.
17. Before timber harvesting begins, all trees which are to be felled in connection therewith shall be clearly marked on the trunk and the stump so that the same may be easily identified both before and after a tree has been felled. No trees shall be felled which have not been designated for removal on the Forest Management Plan as finally approved by the Township.
18. Any more restrictive provisions, in this Chapter or any other Township ordinances that protects bicentennial trees shall apply.
19. Timber harvesting operations shall be conducted at a time of the year when the Township Forester determines that the least amount of environmental damage will occur and are subject to being shut down if they occur at other times.

20. Upon completion of a timber harvesting operation, all disturbed areas such as the landings, roads and critical areas must be reseeded with annual grasses as determined by the Township Forester.
21. Applicants, permittees, landowners and timber harvesting operations shall comply with all applicable federal, state, county and Township ordinances and regulations.

§208-2407. Use of Township Roads.

- A. For all TIMBER HARVESTING OPERATIONS, prior to hauling on any Township road, financial security shall be posted in accordance with §208-2048. hereof. The Township Engineer and/or his designee shall prepare a report prior to hauling to establish the existing road condition and for the purpose of establishing reasonable times and conditions for hauling logs and related material so that damage to the road will be minimized. Such conditions may include, without limitation, limiting hauling to dry periods. The Township shall be notified during normal working hours as to when hauling will begin from a cutting block so that the first truck can be followed to determine if the roadway is being damaged. **[Amended 9-29-2008 by Ord. No. 393]**
- B. A logging operation shall keep any roadway over which it hauls logs or other material clean and free of mud and debris to the extent that such roadway mud, debris or similar material is the result of vehicles traveling to and from the timber harvesting operation. At the point of access, the permittee shall construct an aggregate entrance area to support the roadway edge. No parking of timber harvesting related vehicles or storage of logs or materials shall be permitted in the road right-of-way. Water from the timber harvesting area shall not be discharged onto the roadway surface.
- C. No cutting or loading shall take place between the hours of 7 pm and 7 am, Monday through Saturday and all day Sunday and federally designated legal holidays. **[Amended 5/12/2008 by Ord. No. 389]**

§208-2408. Financial security.

- A. Performance Security.
 1. Prior to the commencement of a timber harvesting operation, financial security in the amount of seven hundred dollars (\$700) per acre (to a maximum of \$7,000 per cutting block) shall be posted with the Township by the applicant/permittee in order to guarantee restoration of the property. Such financial security shall be in accordance with Township ordinances and in form acceptable to the Township Solicitor.
 2. Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the party posting the financial security, provided that said bonding company or lending institution is authorized to conduct such business within the Commonwealth.
 3. This financial security will not be released by the Township until a post harvest report indicates that land restoration has been completed to the satisfaction of the Township.

B. Road Maintenance Security.

1. Prior to hauling on any Township road, the applicant for the timber harvesting permit shall post separate financial security to guarantee restoration of any roads damaged by the hauling. This financial security, including the amount, type and form shall also comply with the requirements of Chapter 168 of the Marshall Township Code of Ordinances.

§208-2409. Insurance.

- A. Prior to commencing timber harvesting, the applicant/permittee shall procure and maintain adequate insurance in an amount of at least \$1,000,000 to protect it from claims for damages because of bodily injury, including death, and from claims of damages to property which may arise both out of and during the TIMBER HARVESTING OPERATIONS, whether such operations be by itself or by any contractor, agent subcontractor, or anyone directly or indirectly employed by it or them. A certificate of insurance in this amount shall be filed with the Township prior to commencing TIMBER HARVESTING OPERATIONS, which certificate shall state that the Township shall be given written notice at least 60 days prior to cancellation of such insurance. The Township shall be named as an additional insured on all policies of insurance described in this section.

§208-2410. Inspection; Stop Work Orders.

From time to time as he may deem advisable, the Township Zoning Officer and/or Township Forester shall inspect fine work done under the approved plans, specifications, timing schedule and timber harvesting permit. Whenever the Township Zoning Officer finds that work under any timber harvesting permit fails to conform to the approved plans, specifications and timing schedule, he may as he deems reasonably necessary in reliance upon the criteria set forth in this Article, by written order, direct suspension of other work until conformance has been achieved or direct such other measures that he deems reasonably necessary under the circumstances for control of erosion and sedimentation on the site and for compliance with this Article.

§208-2411. Liability.

- A. Neither the issuance of timber harvesting permits under the provisions of this Article nor the compliance with the provisions hereto or with any conditions imposed by the Township hereunder shall relieve any person from the responsibility for the damage to any persons or property otherwise imposed by law, nor impose any liability upon the Township for damages to persons or property. Nothing in this Article is to be interpreted as eliminating or reducing the Immunities (statutory or common law) enjoyed by the Township or its elected or appointed officials.
 1. No caustic materials or HAZARDOUS WASTE in any form shall be deposited upon a LOT in such a manner that they may be transferred below the surface of the LOT by natural causes or forces.

2. There shall be no OUTDOOR STORAGE or accumulation for a period in excess of seven (7) DAYS of any waste materials, materials which produce fumes detectable at the LOT LINE, inflammable material, edible material, material which would be a harborage or breeding place for rodents or insects or abandoned, wrecked or junked vehicles.
3. All storage shall be in a completely enclosed BUILDING or at a minimum where permitted shall be enclosed by a FENCE adequate to conceal the facilities from any adjacent property or screened from view by an effective screen. Portable storage or CONSTRUCTION trailers shall not be used to meet these screening requirements.