

**AN ORDINANCE OF THE TOWNSHIP OF MARION
ESTABLISHING REQUIREMENTS FOR TIMBER
HARVESTING**

BE IT ENACTED AND ORDAINED AND IT IS HEREBY ENACTED AND ORDAINED BY THE BOARD OF SUPERVISORS OF MARION TOWNSHIP TO ESTABLISH AN ORDINANCE OF REQUIREMENTS FOR TIMBER HARVESTING.

SECTION I. Purpose

To recognize that forest management and tree harvesting is an important, legitimate activity in the forest land of Marion Township, Centre County, Pennsylvania.

To provide for the regulation of such activity in a way consistent with the objectives stated in the Comprehensive Plan of Marion Township, for the protection of the environment. Specifically, the regulation of forest management and tree harvesting is to ensure:

1. That long-term production of forest crops and benefits is encouraged.
2. that the right to harvest trees is exercised with due regard for the protection of the physical property of adjacent landowners and other lands directly impacted by such activity.
3. That the potential for negative environmental impacts resulting from tree harvesting is minimized.

SECTION II. Scope

It is the intent of this ordinance to regulate timber harvesting practices and to allow for and encourage proper forest management within Marion Township. This ordinance 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 this jurisdiction.

All sections shall apply to all timber harvesting within the township where the value of the trees, logs, or other timber products removed exceeds \$2,000.00 or total area to be harvested exceeds two (2) acres. These provisions do not apply to the cutting of trees for the personal use of the landowner or for precommercial timber stand improvement.

SECTION III. Definitions

The following words are defined as they are used in this ordinance:

1. Basal Area: The area in square feet per acre occupied by tree stems measured at 4.5 feet above the ground, normally determined by a calibrated prism or angle gauge.
2. Felling: The act of cutting a standing tree so that it falls to the ground.
3. Intermittent Stream: A stream whose water flow normally occurs in the wetter parts of the year (October through April) or following major storm events.
4. Landing: A place where logs are assembled and loaded for transportation.
5. Litter: Discarded items not naturally occurring on the site such as tires, oil cans, equipment parts, and other rubbish.
6. Logging Plan: A written description with a map of a specific logging operation prepared before the operation commences.
7. Lopping: To cut tops and slash into smaller pieces to allow material to settle close to the ground.
8. Operator: The individual, partnership, company, firm, association, or corporation engaged in the harvest of timber including his agents, or subcontractors, or employees.
9. Owner: The individual, partnership, company, firm, association or corporation which holds title to standing timber and/or to the land on which it is situated, including his agents or subcontractor or employees.
10. Perennial Stream: A stream whose water flow normally occurs year-round.
11. Precommercial Timber Stand Improvement: 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.
12. Professional Forester: A person who has an associate or higher degree in forestry from a two-year school of forestry associated with or accredited by the Society of American Foresters or equivalent professional experience.

13. Skidding: Dragging trees on the ground, by any means, from the stump to the landing.

14. Slash: Debris left after logging, including logs, chunks, bark, branches, stumps, and broken understory trees or brush.

15. Stand Prescription: The type of forest management treatment, if any, to be applied to a particular stand to achieve the stated management objectives. The stand prescription should include, but not be limited to, detailed instructions on how that treatment is to be carried out on the ground, the desired residual stand, and details on any other treatments to be applied.

16. Stand Regeneration Treatment: A selection, shelterwood, seed tree, or clear-cut that is designed to replace the existing stand with a new stand of young trees.

17. Stream: Any channel of conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

18. 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.

19. Tops: The upper portion of a felled tree not merchantable because of small size, taper or defect.

SECTION IV. 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 as outlined in Section VII.

SECTION V. 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, secure a permit from the zoning enforcement officer 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.

1. A copy of the tree harvesting plan shall be submitted to the township not less than 10 days before any operation commences that will exceed two (2) acres or a total value exceeding \$2,000.00.

2. The plan shall be reviewed by the township enforcement officer, which review may include an inspection of the site of the proposed operation.

3. Within five (5) days of the date the township receives a plan, the enforcement officer shall provide the landowner a written approval of the logging plan as submitted, or written disapproval. A disapproval shall include a list of the additions or corrections that are needed to make the plan approved. Upon approval, a permit can be issued for a fee of \$25.00.

4. No harvesting operation expected to exceed two (2) acres, or total value of \$2,000.00, or a stand regeneration treatment that exceeds two (2) acres shall commence unless or until an approved tree harvesting plan has been completed and a permit is secured.

SECTION VI. Exemptions

Removal of trees which are in such a condition or physical position as to constitute a danger to the structures or occupants of properties or a public right-of-way. •

Removal of up to five (5) trees per acre per year, distributed uniformly across the property, which are twelve inches or more in diameter and not covered by the first exemption.

When a building permit is issued for a building, structure or use, it shall be permitted to cut down any trees which exist in the space to be occupied by such building, structure or use, or constitute a danger to the structures or occupants of properties or public right-of-way and in any space to be occupied by all space within 10 feet of all sides of any utility line, storm water conveyance or detention structure, driveway, parking area, water system or sewage disposal system or permitted accessory uses.

Those operations pertaining to the cultivation and harvesting of "ornamental" trees and/or other nursery endeavors.

SECTION VII. Regulations

A logging plan shall be prepared for each harvesting operation within Marion Township by a professional forester.

Such 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 P.L. 1987 (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).

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

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. Continued maintenance to comply with specifications of logging plan.
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 and the boundaries of the proposed harvest area.
11. A stand prescription for each stand located in the proposed harvest area.

The plan will be available on a 24 hour basis at the timber harvesting site.

After a permit is secured for all tree harvesting operations, or stand regeneration treatments, the township zoning enforcement officer shall be notified at least five (5) working days before the beginning of the operation and within five (5) days before the date of completion. On operations of 30 days or more, a midpoint notification is required.

The erosion and sediment control and stream crossing plan described as part of the logging plan shall be followed at all times during the operation.

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 municipality or the Pennsylvania Department of Transportation, whichever is responsible for maintenance of said thoroughfare.
2. No tops or slash shall be left within 25 feet of any public thoroughfare.
3. All tops and slash between a distance of 25 and 50 feet from a public thoroughfare shall be lopped to a maximum height of four

(4) feet above the surface of the ground.

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

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

6. On lands within zoned areas requiring a minimum canopy or under a shade tree ordinance, a 25 foot buffer zone to adjoining property lines will meet these requirements. (Excludes property lines adjoining a public thoroughfare.)

7. No tops or slash shall be left within 25 feet of named recreational trails.

8. Tops and slash shall be lopped to a height not more than four (4) feet above the ground surface for a distance of between 25 and 50 feet of named recreational trails.

9. Because streams are an important natural resource which needs special protection, logging within 75 feet of stream banks is prohibited unless all of the following conditions are met:

a. The basal area of trees in that area within the 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 remaining shall be well distributed over the area cut.

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

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

d. In addition, Chapter 105 and Chapter 102 requirements relating to Stream Management shall be followed with logging permitted within 25 feet of stream banks of 0% to 5% slope and minimum of 50 feet within stream banks of 5% to 10%, all other are 75 feet.

SECTION VII. Enforcement

The enforcement officer designated by the township may enter the site of any tree harvesting operation before, during and after the active logging to review plans and other required documents to insure that such plans and documents are in compliance with the provisions of this ordinance and to ensure that the actual operation is proceeding in compliance with these plans.

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 approval.

When an operator is found in violation of any provision of this ordinance, the township enforcement officer shall provide the operator with a written statement describing each violation, specifying a date by which corrective action must be taken.

When the township enforcement officer finds a condition in a logging operation causing an immediate environmental risk, he shall immediately order operations to cease, and contact the Centre County Conservation District office and request enforcement of soil conservation rules, regulations and statutes.

SECTION IX. Penalties

Any landowner or operator who violates any provision of this ordinance is guilty of a summary offense and, upon conviction, such landowner or operator shall be subject to a fine of not less than \$50.00 nor more than \$300.00 for each separate offense, and in default of the payment of such fine, a person shall be imprisoned for a period of thirty (30) days.

Any landowner or operator who willfully or negligently violates any provision of this ordinance is guilty of a misdemeanor of the third degree and, upon conviction, shall be subject to the maximum fines provided for by Pennsylvania law for violations of misdemeanors of the third degree for each separate offense to imprisonment in the County Jail for the maximum period provided for by Pennsylvania law.

Any landowner or operator who after conviction of a misdemeanor for any violation within two (2) years as above provided willfully or negligently violates any provision of this ordinance is guilty of a misdemeanor of the second degree and, upon conviction, shall be subject to the maximum fines provided for by Pennsylvania law for violations of misdemeanors of the second degree for each separate offense to imprisonment in the County Jail for the maximum period provided for by Pennsylvania law.

Each day of continued violation of any provision of this ordinance shall constitute a separate offense.

ENACTED AND ORDAINED, this 11th day of May
1995, by the Supervisors of Marion Township.

ATTEST:

BOARD OF SUPERVISORS OF
MARION TOWNSHIP

William O'Donald, Chairman