

Phone: (570)897-6127

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Tree Harvesting Permit Application

Permit # : LOG ___ - ___

Name of Applicant: _____

Address of Applicant: _____

City: _____ State: _____ Zip: _____

Phone Number: () _____ - _____

Name of Contractor: _____

Address of Contractor: _____

City: _____ State _____ Zip _____ Phone: (Work) () _____ - _____

(Cell) () _____ - _____

Property To Be Harvested:

1.) Street: _____ Tax I.D. # _____

City: _____ State: _____ Zip: _____

2.) Street: _____ Tax I.D. # _____

City: _____ State: _____ Zip: _____

3.) Street: _____ Tax I.D. # _____

City: _____ State: _____ Zip: _____

Logging Plan Submitted: _____ Zoning District(S): _____

Logging Plan Approved: _____ Logging Plan Disapproved: _____

Signature of Applicant: _____ Date: ___/___/___

For Official Use Only:

Revised 090908

Amount: _____ Check/Cash: _____ Receipt #: _____ Received By: _____

1st Inspection Comments: _____

Date: ___/___/___

2nd Inspection Comments: _____

Date: ___/___/___

UPPER MOUNT BETHEL TOWNSHIP
ORDINANCE NO. 94-4

AN ORDINANCE OF THE TOWNSHIP OF UPPER MOUNT BETHEL, NORTHAMPTON COUNTY, PENNSYLVANIA FOR TREE HARVESTING.

BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of UPPER MOUNT BETHEL Township, Northampton County Pennsylvania, and IT IS HEREBY ORDAINED AND ENACTED as follows:

TREE HARVESTING ORDINANCE

SECTION 4.8

I. 4.801 PURPOSE

- A. To recognize that forest management and tree harvesting is an important legitimate activity in the forestland of Upper Mt. Bethel Township, Northampton County, Pennsylvania.
- B. To provide for the regulation of such activity 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.
 3. That the potential for negative environmental impacts resulting from improper tree harvesting is minimized.

II. 4.802 INTENT

It is the intent of this ordinance to regulate tree harvesting practices and to allow for and encourage proper forest management within Upper Mt. Bethel 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 Township. It is not the intent of this ordinance to regulate timber harvest for home use, non-commercial timber stand improvement work, or for a land use change.

III. 4.803 DEFINITIONS

As used in this Ordinance, the following words shall mean:

- A. "Basal Area" the cross-sectional area of trees calculated in square feet as measured at the DBH.
- B. "Clear Cut" the felling of substantially all trees on a tract of land, or portion thereof.
- C. "DBH" the diameter of a tree at breast height, measured 4.5 feet from the ground surface.
- D. "Felling" the act of cutting a standing tree so that it falls to the ground.
- E. "Intermittent Stream" a stream whose water flow normally occurs in the wetter parts of the year (October through April) or following major storm events.
- F. "Landing" a place where logs are assembled for transportation in loads.
- G. "Landowner" 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. "Logging Plan" a written description with a map of a specific logging operation prepared before the operation commences.
- I. "Lopping" to cut tops and slash into smaller pieces to allow material to settle close to the ground.
- J. "Operator" the individual, partnership, company, firm, association, or corporation engaged in the harvesting of timber, including his agents, subcontractors or employees.
- K. "Perennial Stream" a stream whose water flow normally occurs year-round.
- L. "Skidding" dragging trees on the ground, by any means, from the stump to the landing.
- M. "Slash" debris left after logging, including logs, chunks, bark, branches, stumps and broken understory trees and brush.

- N. "Stream" any channel of conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow.
- O. "Tops" the upper portion of a felled tree not merchantable because of small size, taper, or defect.
- P. "Township Enforcement Officer" the Township Zoning Officer.
- Q. "Tree Harvesting" or "Timber Harvesting" or "Logging" 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.
- R. "Trout Stream" any cold water stream which supports a trout fishery that is managed, stocked, or regulated by the Pennsylvania Fish Commission.

IV. 4.804 APPLICABILITY

This section 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.

V. 4.805 RESPONSIBILITY

It shall be the responsibility of the logger on those lands on which tree harvesting is to be carried out to develop or have developed the logging plan and to submit notification as required in this section. It shall be the joint responsibility of the landowner and the operator to see that the provisions of the logging plan are carried out.

VI. 4.806 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.
 12. Any General Flood Plain area.
 13. The name and location of all trout streams which cross the area to be logged must be clearly indicated.
- E. Section 4.806 (D) shall be satisfied if the logging plan complies with 4.806 (B) and 4.806 (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 (30) business days before the beginning of any tree harvesting operations pursuant to the plan or amended plan.

- G. Within (30) 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 an amended logging plan. Any person aggrieved by the decision of the Township Enforcement Officer may appeal the decision within (30) days to the Township Zoning Hearing Board.
- H. The fee for the processing of a logging plan shall be \$50.00 for the original plan and \$15.00 for any amendment thereto and \$20.00 per inspection with a requirement for a beginning inspection and a completion inspection. 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 (5) business days before the beginning of all tree harvesting operations and within (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 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 (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. No tops or slash shall be left within (25) feet each side of any named recreational trail.
7. Tops and slash shall be lopped to a height of not more than (4) feet above ground surface for a distance of between (25) and (50) feet each side of any named recreational trails.
8. Because trout streams are an important natural resource which need special protection, no tops or slash shall be left within (25) feet each side of said stream.
9. No tops or branches shall be left in the General Flood Plain whether from commercial, private, or general clean-up from a landowner for a period not to exceed (30) days after completion of work. All tops and branches shall either be chipped or burned with permission of Blue Mtn. Control Center.
10. Extra care shall be taken when logging within (50) feet of abutting properties as not to damage neighboring property or trees.
11. During periods of abnormal forest fire danger, as determined by the Blue Mtn. Control Center, the Municipality shall have the right to order a suspension of logging operations until the danger subsides.
12. After a permit for a logging operation has been issued the Municipality shall have the right, by its own personnel or by outside persons hired for the purpose, to go upon the site before, during, and after the logging operation to insure and require compliance with the plans for said operation as finally approved and all the terms and provisions of this Ordinance.
13. Clear cut logging shall be prohibited unless a Use change is dictated.

VII. 4.807 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 Ordinance and to ensure that the actual operation is proceeding in compliance with the approved logging plan or amended 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 Ordinance 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 Ordinance 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 (7) calendar days of such written notification, whichever is sooner. If not so corrected by the date specified or within said (7) days, the operator and the landowner shall be subject to the penalties provided in VIII 4.808. 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 Northampton County Conservation District and request enforcement of the rules and regulations referred to under Section VI 4.806 (B) of this Ordinance.
- 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 the Township, in addition to other penalties provided for herein, an amount equal to the cost of the survey or said or said surveying services.


VIII 4.808 PENALTIES

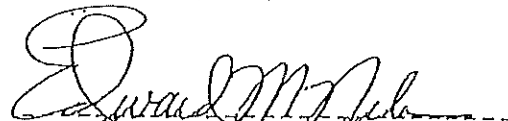
Any landowner or operator which has violated the provisions of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgement of not more than (\$500) dollars, plus all court costs, including reasonable attorney fees, incurred as result thereof. Each day that a violation is continued shall constitute a separate offense. The procedure for imposition of a liability in a civil enforcement proceeding shall be set forth in the Pennsylvania Municipalities Planning Code initiated by the Enforcement Officer without prior consent of the Board of Supervisors, as further provided in Section 6.102 of the Township Zoning Ordinance.

REPEALOR

This Ordinance repeals all other Ordinances and/or Resolutions prior to the date of its enactment which documents established, maintained, governed, or regulated as a Tree Harvesting Ordinance of the Township of Upper Mount Bethel, Northampton County, Pennsylvania.

ENACTED AND ORDAINED as an Ordinance of Upper Mount Bethel Township, this 28th day of September , 1994.


Helen Rauscher, Secretary


Edward Nelson, Chairman