

ORDINANCE NO. 1-1995

AN ORDINANCE OF THE TOWNSHIP OF CENTER, BEAVER COUNTY, PENNSYLVANIA, AMENDING TOWNSHIP ORDINANCE NO. 87-3 AND CREATING, FIXING, PRESCRIBING PERMITS AND IMPOSING CERTAIN RULES, REGULATIONS, AND REQUIREMENTS FOR LOGGING AND IMPOSING FINES AND PENALTIES FOR VIOLATION THEREOF

BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of Center, a municipal corporation under the Second Class Township Code, situate in Beaver County, Pennsylvania, AND IT IS HEREBY ORDAINED AND ENACTED:

Whereas, the Township of Center has previously enacted an Ordinance designed to regulate logging activities in the Township.

Whereas, the Township of Center desires to amend said Ordinance No. 87-3 and to promulgate Rules and Regulations pursuant to logging to impose fines and penalties for violations thereof.

Now Therefore, be it enacted and ordained by the Board of Supervisors of the Township of Center, Beaver County, Pennsylvania; and, it is hereby enacted and ordained by authority of the same.

SECTION 1: Definition

Logging is defined as the act of cutting live trees for cordwood, for timber, for pulp or for any commercial purpose, excepting therefrom as a homeowner cutting on his

property for his own use, clearing for development of building sites, or clearing for farming operations.

SECTION 2: Permit Required

Logging operations within the Township of Center on any parcel of property over on acre in size shall require a permit. Logging permits shall only be valid for a period of one year.

SECTION 3: Requirements

- A. Application for a logging permit shall be accompanied by a survey of the property or County Tax Map and USGS topographic map with the area to be logged shown thereon.
- B. Logging shall not be undertaken in landslide prone areas or flood prone areas.
- C. All trees shall be removed in sections not to exceed 24 feet in length.
- D. When the logging operation is complete, all disturbed steep areas and areas where accelerated erosion may occur on the property shall be seeded.
- E. All logging debris, including small tree tops and branches, shall be stockpiled on the site in the manner that will not allow debris to enter streams.
- F. Any roads or grading to facilitate roads inherent with the logging operation shall be completely regraded, water bars constructed and reseeded (if necessary).
- G. Proper erosion and sedimentation control measures shall be taken on disturbed property to prevent accelerated water runoff and erosion.
- H. No commercial sales of wood or logs shall be permitted on the property unless the property is located in a commercial zone. Provided, no tree may be cut down which is in the largest of its species in the State.

- I. All logging shall be done in a manner that will not cause landslides or alter surface water drainage patterns, or cause flooding.
- J. Logging adjacent to streams of the Commonwealth as defined by PA Chapter 105 shall be limited to selective cutting only. Clear cutting shall not be allowed within 50 feet of streams of the Commonwealth.
- K. If clear cutting is proposed, then at least 20 percent of the property shall be set aside for selective cutting only. Stream areas may be included in the 20 percent area.

SECTION 4: Use of Township Roads

Prior to hauling on any Township road, a bond shall be posted in accordance with Section 5. The Township Engineer shall prepare a report prior to hauling to establish the road condition. Hauling shall be limited to dry or frozen periods to prevent damage to the roadway base. A Township Representative shall follow the first truck to determine if the roadway is being damaged. The roadway shall be kept clean and free of mud and wood debris. At the point of access, the logger shall construct an aggregate entrance area to support the roadway edge. No parking of logging vehicles or storage of logs shall be permitted in Township road right-of-way. Water from the logging area shall not be discharged onto the Township roadway surfaces.

SECTION 5: Bond

Prior to the commencement of a logging operation, the person who secures the logging permit shall post a bond written by a surety company authorized to do business in the Commonwealth of Pennsylvania with the Township as Obligee in the amount of \$500.00 per acre of area disturbed for logging roads plus \$25.00 per acre of area logged to guarantee

restoration of the property. In lieu of the bond, other security acceptable to the Township (e.g., cash or irrevocable letter of credit issued by a bank or savings and loan) may be posted with the Township.

Prior to hauling on any Township road, the person who secures the logging permit shall post a bond to guarantee restoration of roads damaged by the hauling. The amount of the bond shall be set as follows:

- A. Improved roadway (bituminous, bituminous seal coat or concrete surface) -- \$12,500 per mile of road hauled upon.
- B. Unimproved roadway (earth, clay or cinder surface) -- \$6,000 per mile of road hauled upon.
- C. BRIDGES - The amount of the bond for bridges over which hauling shall occur under this section shall be determined by the Township Engineer on a case by case basis.

SECTION 6: Application Procedures

Application for such a logging permit shall be made in writing to the Secretary of the Township of Center on forms supplied by the Township. Such application shall be accompanied by plans consisting of a property survey or Tax Map and USGS topographic map of the entire site showing the following:

- A. Area of trees to be cut down.
- B. Location of any existing roads/rights-of-way or easements.
- C. Point of access into public roadway(s) where aggregate entrance is to be placed.
- D. Location of any streams in the area.

- E. Erosion and sedimentation control measures to be implemented to prevent accelerated water runoff.
- F. North arrow and scale.
- G. Contours, if applicable.
- H. Plan (USGS) showing approximate location of logging roads to determine bond amount.

SECTION 7: Fee Schedule

As determined by the Center Township Board of Supervisors, the application filing fee is set as being \$150.00 for areas 20 acres and less and \$250.00 for areas greater than 20 acres. Also required is a completed Plan Receipt form to accompany the proposed logging plan.

SECTION 8: Action on Application

The Secretary, the Township Engineer, and the Zoning Enforcement Officer shall examine said application to determine compliance with all applicable codes and ordinances within forty-five (45) days after filing and all required information has been submitted, and either approve or reject said application. If application is rejected, the Secretary shall inform the applicant in writing stating the reasons for such rejection.

Review of Application by Others: A copy of all plans and applications for proposed logging to be considered for approval may be submitted by the Secretary to any other appropriate agencies, i.e. Commonwealth of Pennsylvania Department of Environmental Resources, Bureau of Forestry, Fish Commission, etc.

SECTION 9: Penalty

Any person violating this Ordinance shall, upon conviction thereof before a District Justice, be sentenced to pay a fine not exceeding \$300.00 for each violation and each day such violation continues may be considered a separate offense.

SECTION 10: Conflict of Codes

When provisions of this code conflict with other applicable codes, the more astringent code shall apply.

ENACTED AND ORDAINED into an Ordinance this 30th day of March, 1995.

(SEAL)

BOARD OF SUPERVISORS OF THE
TOWNSHIP OF CENTER

ATTEST:

BY:

Tony Amadio
Chairman

William J. Harper

Gene Hill

J. Fucini

APPROVED AS TO LEGAL FORM:

Dale M. Fouse
Dale M. Fouse, Esquire