

ORDINANCE NO. 1 - 2001

FORESTRY AND TIMBER HARVEST ORDINANCE

AN ORDINANCE OF THE TOWNSHIP OF STROUD, MONROE COUNTY, PENNSYLVANIA, SETTING FORTH AN AMENDMENT TO THE STROUD TOWNSHIP ZONING ORDINANCE, AS HERETOFORE AMENDED, AMENDING PROVISIONS REGULATING FORESTRY PRACTICES AND TIMBER HARVESTS.

Whereas the Municipal Planning Code states that Zoning Ordinance may not unreasonably restrict forestry activities; and

Whereas the Municipal Planning Code provides for provisions to protect and preserve natural resources; and

Whereas the existing zoning ordinance may unreasonably restrict certain forestry activities;

NOW THEREFORE, STROUD TOWNSHIP BOARD OF SUPERVISORS ordains that the Zoning Ordinance shall be amended as follows:

Section 1 Article II shall be amended to include the following definitions, to be inserted in alphabetical order.

Diameter Breast Height (dbh) – Diameter of a tree measured at 4½ feet above ground level.

Felling – The act of cutting a standing tree so that it falls to the ground.

Forestry – The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating harvesting, transporting, and selling trees for commercial purposes, which does not involve any land development. For the purposes of this ordinance, forestry shall include a select timber harvest.

Logging – The removal of trees as part of a non-select commercial timber harvest. For the purpose of this ordinance, a clear cut timber harvest shall be considered logging.

Saw Timber – Trees with a diameter greater than or equal to 10 inches at breast height.

Skidding – The dragging of trees on the ground from the stump to the landing by any means.

Slash – Woody debris left in the woods after a forestry or logging activity, including but not limited to, logs, chunks, bark, branches, uprooted stumps, and broken or uprooted trees or shrubs.

Specimen Tree - A tree with a diameter at breast height (dbh) of 36 inches or greater; a unique, rare, or otherwise specifically selected tree which most typically represents a whole class or group in shape or form; a tree of historical importance; a tree specifically designated as a Specimen Tree by Stroud Township or Monroe County.

Timber Harvest, Clear Cut – The removal of more than 25% of all saw timber on a lot or portion of a lot.

Timber Harvest, Select Cut - The removal of less than 25% of all saw timber on a lot or portion of a lot.

**Section 2** Schedule I is hereby amended as follows:

Land Use Activity	O-1	S-1	R-1	R-2	R-3	C-1	C-2	C-3	M-1
Forestry (08)	P	P	P	P	P	P	P	P	P
Logging (241)	S	S						S	S

**Section 3** Article V is hereby amended by adding the following:

5.318 Forestry (SIC 0811) - This use is permitted as set forth in Schedule I. The following standards and requirements shall be met by the applicant for a forestry activity:

- A. Forestry Plan - Every landowner on whose land forestry is to occur shall prepare a written forestry plan in the form specified by this Ordinance. No forestry activities shall occur until the plan has been approved. The provisions of the plan shall be followed throughout the operation. The plan shall be available at the forestry site at all times during the operation and shall be provided to the Township upon request. An erosion and sedimentation pollution control plan that satisfies the requirements of 25 PA Code, Chapter 102, shall also satisfy the minimum requirements for the forestry plan and associated map specified in this section.

- B. Responsibility For Compliance - The landowner and the operator shall be jointly and severally responsible for complying with the terms of the forestry plan.
- C. Forest Inventory - A forest inventory shall be provided that documents the following:
1. Existing number of trees, by species and size, greater than 10" dbh. Where the site exceeds one (1) acre in area, sample plots no less than 10,000 square feet and totaling no less than 5% of the total site area may be used to estimate the existing number of trees.
  2. Number of trees, by species and size, greater than 10" dbh to be cut, removed, or otherwise disturbed.
- D. Compliance With State Law - The forestry 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 PA 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 PA Code, Chapter 105, promulgated pursuant to the Dam Safety and Encroachments Act (32 P.S. §§ 693.1 et seq.)
  3. Stormwater management plans and regulations issued pursuant to the Stormwater Management Act (32 P.S. §§ 680.1 et seq.)
  4. Any permits required by state laws and regulations shall be provided.
- E. Forest Practices - The following requirements shall also apply to all forestry operations in the Township:
1. Trees less than 10" dbh shall not be removed as part of a forestry operation except as necessary to perform the permitted forestry activities.
  2. The total area of disturbance for a forestry operation shall not exceed 10% of the property area.

3. Felling or skidding on or across any public thoroughfare is prohibited without the express written consent of the Township or the PA Department of Transportation, whichever is responsible for maintenance of the thoroughfare.
4. No tops or slash shall be left within twenty-five (25) feet of any public thoroughfare or private roadway providing access to adjoining residential property.
5. private roadway providing access to adjoining residential property or within 50 feet of adjoining residential property shall be lopped to a maximum height of four (4) feet above the surface of the ground.
6. All tops and slash between 25 and 50 feet from a public roadway or 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.
7. Litter resulting from a forestry operation shall be removed from the site before it is vacated by the operator.

F. Responsibility For Road Maintenance and Repair; Road Bonding - The landowner and the operator shall be responsible for repairing any damage to Township roads caused by traffic associated with the forestry operation to the extent the damage is in excess of that caused by normal traffic, pursuant to 67 PA Code.

Section 4 Section 5.332 is hereby replaced with the following:

5.332 Logging (SIC 241) - This use is permitted as set forth in Schedule I. The following standards and requirements shall be met by the applicant for a logging activity:

A. Logging Plan - Every landowner on whose land logging is to occur shall prepare a written logging plan in the form specified by this Ordinance. No logging shall occur until the plan has been approved. The provisions of the plan shall be followed throughout the operation. The plan shall be available at the logging site at all times during the operation and shall be provided to the Township upon request.

B. Responsibility For Compliance - The landowner and the operator shall be jointly and severally responsible for complying with the terms of the logging plan.

C. Contents of the Logging Plan

1. Minimum Requirements - At a minimum, the logging plan shall include the following:

- a. Design, construction, maintenance, and retirement of the access system, including haul roads, skid roads, skid trails and landings
- b. Design, construction, and maintenance of water control measures and structures such as culverts, broad-based dips, filter strips, and water bars
- c. Design, construction, and maintenance of stream and wetland crossings
- d. The general location of the proposed operation in relation to municipal and state highways, including any accesses to those highways.
- e. A revegetation plan pursuant to Section 6.304 of this Ordinance.

2. Map - Each logging plan shall include a site map containing the following information:

- a. Site location and boundaries, including both the boundaries of the property on which the logging will take place and the boundaries of the proposed logging area within that property;
- b. Significant topographic features related to potential environmental problems;
- c. Location of all earth disturbance activities such as roads, landings, and water control measures and structures;
- d. Limits of tree removal
- e. Location of any Specimen Trees

- f. Location of all crossings of waters of the Commonwealth;  
and
- g. The general location of the proposed operation to municipal  
and state highways, including any accesses to those  
highways.

3. 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:

- a. Erosion and sedimentation control regulations contained in  
25 PA Code, Chapter 102, promulgated pursuant to the  
Clean Streams Law (35 P.S. §§ 691.1 et. seq.);
- b. Stream crossing and wetlands protection regulations  
contained in 25 PA Code, Chapter 105, promulgated  
pursuant to the Dam Safety and Encroachments Act (32 P.S.  
§§ 693.1 et seq.); and
- c. Stormwater management plans and regulations issued  
pursuant to the Stormwater Management Act (32 P.S. §§  
680.1 et seq.)

4. Relationship of State Laws, Regulations, and Permits To The  
Logging Plan - Any permits required by state laws and regulations  
shall be attached to and become part of the logging plan.

D. Forest Practices - The following requirements shall also apply to all  
logging operations in the Township:

- 1. Felling or skidding on or across any public thoroughfare is prohibited  
without the express written consent of the Township or the PA  
Department of Transportation, whichever is responsible for  
maintenance of the thoroughfare.
- 2. No tops or slash shall be left within twenty-five (25) feet of any  
public thoroughfare or private roadway providing access to  
adjoining residential property.

3. All tops and slash between 25 and 50 feet from a public roadway or private roadway providing access to adjoining residential property or within 50 feet of adjoining residential property 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 the boundary of any property adjoining the operation without the consent of the owner thereof.
  5. Litter resulting from a timber harvesting operation shall be removed from the site before it is vacated by the operator.
- E. Responsibility For Road Maintenance and Repair; Road Bonding - 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, pursuant to 67 PA Code.
- F. Revegetation - All revegetation requirements pursuant to Section 6.304 of this Ordinance shall apply.

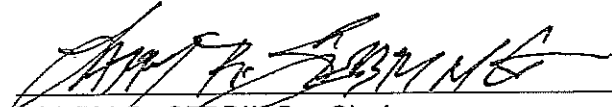
**Section 6** Except as amended hereby, all provisions of Ordinance 5 – 1998, as heretofore amended, shall remain in full force and effect. Furthermore, the provisions of any other existing ordinances or parts of ordinances in conflict with this ordinance, to the extent of such conflict and no further, are hereby repealed.

**Section 7** If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held by a court or competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Supervisors hereby declare that they would have passed this Ordinance and each section or part thereof irrespective of the fact that any one or more sections or parts thereof be declared invalid.

**Section 8** This ordinance shall take effect from the earliest date allowed under the laws of the Commonwealth of Pennsylvania.


ORDAINED AND ENACTED into an Ordinance at a regular meeting of the Board of Supervisors of Stroud Township, Monroe County, Pennsylvania, this 26<sup>th</sup> day of February, 2001.

STROUD TOWNSHIP SUPERVISORS

  
LARRY R. SEBRING, Chairman

(TOWNSHIP SEAL)

  
EDWARD C. CRAMER, Vice Chairman  
And Secretary

  
JAMES L. DECKER, Roadmaster