

ORDINANCE NO. 108

AN ORDINANCE OF THE TOWNSHIP OF HAYCOCK, BUCKS COUNTY, PENNSYLVANIA, AMENDING REQUIREMENTS OF ARTICLE IV, SECTION 403, TABLE OF USE REGULATIONS OF HAYCOCK TOWNSHIP ZONING ORDINANCE OF 1975, AS AMENDED SEPTEMBER 26, 1994, TO PERMIT FORESTRY BY-RIGHT IN ALL ZONING DISTRICTS, ADD DEFINITIONS, AND REVISE FORESTRY REGULATIONS.

WHEREAS, Section 1516 (53 P.S. Section 66516) of the Pennsylvania Second Class Township Code provides that the corporate powers of the Board of Supervisors of Haycock Township (the “Board of Supervisors”) include the ability to plan for the development of the Township through Zoning, Subdivision, and Land Development Regulations under the Act of July 13, 1968 (P.L. 805, No. 247), known as the “Pennsylvania Municipalities Planning Code”;

WHEREAS, the Board of Supervisors on or about September 26, 1994, duly adopted Ordinance No. 71, revising and restating the Haycock Zoning Ordinance as adopted in 1975;

WHEREAS, Section 1601 of the Second Class Township Code provides that the Board of Supervisors may adopt Ordinances in which general or specific powers of the Township may be exercised, and, by the enactment of subsequent Ordinances, the Board of Supervisors may amend, repeal, or revise existing Ordinances (53 P.S. Section 66601);

WHEREAS, since its adoption, the Zoning Ordinance has from time to time been amended;

WHEREAS, the Board of Supervisors on, or about, September 5, 1995, duly adopted Ordinance No. 72, amending the Zoning Ordinance to permit Use A4, Forestry, by-right in all zoning districts, except in the VC-1 and VC-2 Districts where the use is prohibited;

WHEREAS, the Board of Supervisors finds and determines that Section 403 should be amended to permit forestry by-right in the VC-1 and VC-2, to comply with current requirements of Pennsylvania Municipalities Planning Code; and use regulations and definitions should be amended to more appropriately reflect preservation of a healthy forest environment, and to conform with the State Forest Management Program developed by Pennsylvania Bureau of Forestry.

NOW THEREFORE, in consideration of the forgoing, be it **ENACTED** and **ORDAINED** by the Board of Supervisors of Haycock Township, Bucks County, Pennsylvania, as follows:

SECTION 1: Article II. Definitions is revised to add the following definitions in alphabetical order (section numbering of Article II is revised accordingly):

Basal Area

The cross sectional area of the stem of a tree measured 4½ feet above grade (dbh).

Basal Area Per Acre

The sum of each tree's basal area in a woodland divided by the number of acres within the woodland.

Even-age Management

Management of a forest stand where the range in tree age does not exceed 20% of the rotation length resulting in a forest consisting of trees of the same or nearly the same age.

Forest Management Plan

A written description with a map of a specific forestry operation prepared before the operation commences, which meets the requirements of Section 403.A4 of this Ordinance.

Forest Plan Preparer

A forester who has a minimum of four years experience in the field of forestry including the preparations of forestry plans.

Forest Technician

A person who is, at a minimum, a graduate of a two-year forest technician program established by the Society of American Foresters.

Forester

A person who is, at a minimum, a graduate of a four year college or university forestry curriculum accredited by the Society of American Foresters.

Skid Road

Main route for skidding logs from woods to the landing.

Skid Trail

A temporary trail used for skidding logs from the site of felling to the main skid road.

Skidding

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

Slash

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

Snags

A standing dead tree without branches or the standing portion of a broken off tree. Snags may provide feeding and/or nesting sites for wildlife.

Uneven-age Management

Management of a forest stand to maintain or create and regenerate a forest that has three or more distinctly different age classes including regeneration.

SECTION 2: Article IV, Section 403.A of the Zoning Ordinance is hereby amended as it applies to Use A4, Forestry, as follows:

	RP	RA	RD	FC	VC-1	SRC	SRL	SRM	SRH	VC-2	URL	PC	CC	SC	PI	EXT
A4	FORESTRY	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

SECTION 3: Article IV, Section 403.A4 is revised to read as follows:

A4 Forestry

Forestry is the management of forests and timberlands through developing, cultivating, harvesting, transporting, and selling trees for commercial purposes, beyond tree cutting that is necessary and approved as part of development of land or uses. These provisions are intended to ensure that forestry occurs in accordance with accepted silvicultural practices, as provided in Section 107 of the State Municipalities Planning Code.

- a. Forestry is permitted by-right, provided that a Zoning Permit shall be required for forestry. The following activities shall not require a zoning permit and are not required to comply with Subsections b. or c.:
 - (1) Removal of diseased or dead trees;
 - (2) Removal of trees that are in such a condition or physical position as to constitute a danger to the structure or occupants of properties or a public right-of-way;

- (3) Removal of trees with a trunk diameter of less than 6 inches;
 - (4) Removal of up to 5 trees with a trunk diameter greater than 6 inches on each acre of land per calendar year, provided such does not exceed 20 trees with a trunk diameter of 6 inches or more per lot per calendar year, and provided that such tree removal does not involve trees: a) on slopes of greater than 25 percent or b) on areas within 50 feet from the centerline of a perennial stream/watercourse or intermittent stream/watercourse.
 - (5) For removal of trees as part of development, requirements of Section 504, Environmental Performance Standards, shall apply in place of this subsection.
 - (6) Christmas Tree Farms in which trees are regularly replanted. This exception shall only apply to trees that were planted for harvest.
 - (7) Tree nurseries in which live trees are removed for replanting on another site. This exception shall only apply to trees that were planted for harvest.
- b. A zoning permit application for forestry shall be accompanied by a forestry plan prepared by a Forester, Forest Technician, or Forest Plan Preparer. The Zoning Officer shall consult with the Township Engineer or a forester retained by the Township to determine the adequacy of the forestry plan. Each plan must contain the following components:
- (1) The criteria for selection of trees to be removed must be clearly stated and must conform to a plan for sustainable use of the forest resource. Such plan shall describe how the health and diversity of the forest will be protected and the potential for future timber harvests maintained.
 - (2) The forestry plan shall address all applicable erosion and sedimentation control and stream crossing regulations under Chapter 102, Erosion Control Rules and Regulations and Chapter 105, Dam and Waterway Management Rules and Regulations.
 - (3) Forestry activities located within or discharging to any exceptional value or high quality watershed as classified by PADEP shall comply with all requirements of the PA Code, Chapters 92 and 93. The forestry plan shall specifically state how the applicant intends to comply with these regulations, and shall show the location of all perennial creeks and perennial watercourses.

- (4) The forestry plan shall address, at a minimum, the following:
 - (a) Design, construction, maintenance, and retirement of the access system, including haul roads, skid roads, skid trails, and landing;
 - (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) Property boundary for the tract on which the logging will occur and boundary of the proposed harvest area.
 - (e) A stand description for each stand located in the proposed harvest area including number, species, and diameter of trees to be removed.
 - (f) Copies of all required permits shall be submitted as an Appendix to the forestry plan.
- (5) Each Forestry 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 timber harvest will take place and the boundaries of the proposed harvest area within the 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) Location of the crossings of all water bodies, including but not limited to, Waters of the Commonwealth/Waters of the United States; and
 - (e) The general location of the proposed operation to municipal and state highways, including any accesses to those highways.
- (6) Proof of current general liability and/or worker's compensation insurance.
- (7) Proof of PennDOT Highway Occupancy Permit or Township Driveway Permit for temporary access, as applicable. The application shall only be approved if the applicant demonstrates to

the satisfaction of the Township that the area street system is suitable in terms of structure, cartway width, geometry, safety, and capacity to accommodate the additional truck traffic.

- (8) Copy of County Conservation District “Letter of Adequacy” for the proposed erosion control facilities, including associated plans, reports, and other permits as required.
- c. The following requirements shall apply to all forestry operations, in addition to the requirements for a zoning permit:
- (1) The landowner shall notify the Township at least five (5) working days prior to the commencement of operations and upon completion of all work prescribed under the forestry plan.
 - (2) The forestry plan and all related permits shall be available at the forestry operation site.
 - (3) Before any permitted logging operation begins, all trees which are to be felled in connection therewith, shall be clearly marked on the trunk and stump.
 - (4) General operational requirements: The following requirements shall govern all forestry operations:
 - (a) A “No Logging” buffer zone with a width of 25 feet shall be maintained on the property on which the logging operation is to be conducted along all public streets. The buffer shall be measured from the legal right-of-way. No trees shall be cut, removed, skidded or transported within the “No Logging” buffer zone except as necessary for access to the site from the public street.
 - (b) A “Limited Logging” zone with a width of 50 feet shall be maintained on the boundary of the site on which the logging operation is to be conducted along abutting properties. Uneven-age management shall be practiced within the Limited Logging Zone where the residual stand must contain at least 70 square feet of basal area per acre consisting of trees 10 inches or greater in diameter at breast height.
 - (c) A “No Logging” buffer zone with a width of 50 feet shall be maintained from the centerline of all perennial streams/watercourses. All earth disturbance related to forestry within this buffer zone shall be prohibited with the

exception of temporary stream/watercourse crossings permitted by PADEP. No equipment, skidders, dozers, or tracked or tired machines or vehicles shall be permitted within a no logging buffer zone except to permit crossing of watercourses. No trees shall be felled into a no logging buffer zone.

- (d) All temporary stream/watercourse crossings of a perennial or intermittent stream/watercourse shall be made with a temporary bridge. Skidding of trees, and the operation of any vehicle and equipment thru a perennial or intermittent stream/watercourse shall be prohibited.
- (e) Felling or skidding on, or across, any public street is prohibited without written approval of the Township or Pennsylvania Department of Transportation, whichever is responsible for maintenance of said street.
- (f) No tops or slash shall be left within 25 feet of any public street.
- (g) All tops and slash shall be lopped to a maximum height of 6 feet above the surface of the ground.
- (h) No tops or slash shall be left on or across a property boundary without the consent of the adjoining landowner.
- (i) Litter (trash) resulting from any forestry operation shall be cleaned up and removed from the site before it is vacated by the operator.
- (j) Any soil, stones and/or debris carried onto a public street must be removed immediately.
- (k) On slopes of greater than 25%, uneven-age management shall be practiced where the residual stand must contain 70 square feet of basal area per acre consisting of trees 10 inches or greater in diameter at breast height. No equipment, skidders, dozers, or tracked or tired machines or vehicles shall be permitted on slopes greater than 25%.
- (l) When the harvest is completed, both dirt roads used by the trucks and skid roads used to drag the logs from the woods to the loading area must be graded approximately to the original contours, and be seeded and mulched (hardwood or straw mulch) as necessary to establish stable groundcover.

- (m) Temporary stone tire cleaning entrance (when required as part of an approved erosion and sedimentation control plan) must be removed, topsoil replaced, and area graded to approximate original contour, and be seeded and mulched to establish stable groundcover.
 - (n) The no logging buffer zone required by Subsection c.(4)(c) above along streams/watercourses shall be marked with survey tape, temporary non-destructive fencing or similar demarcation to prevent accidental incursion into the buffer zone with heavy equipment.
 - (n) Snags shall not be cut down unless the snag is a potential hazard to improvements (e.g. dwelling, outbuilding, etc.) on the property.
- (5) No tops or slash shall be left within a drainage swale.
 - (6) The use of clear-cutting must be fully justified by a forestry plan prepared by a qualified professional, and shall comply with Subsection b. Detailed information concerning increased stormwater runoff, erosion control, and a plan to assure regeneration shall be provided. Clear-cutting shall not be allowed on contiguous areas greater than ½ acre. A full set of stormwater calculations shall be submitted to show that postdevelopment peak runoff will not exceed predevelopment peak runoff.
 - (7) If forestry involves more than 2 acres, a minimum of 30 percent of the forest cover (canopy) shall be kept and the residual trees shall be well distributed to promote reforestation. The forestry plan shall provide for replanting where necessary to continue proper forest management.
 - (8) Financial Security – Financial security shall be established in a manner acceptable to the Township to guarantee repair of all damage that may occur to public streets due to the forestry/logging operations, and to guarantee compliance with erosion and sedimentation control plans, compliance with stormwater management plans and restoration of the site upon completion of logging operations. Pursuant to 67 Pennsylvania Code, Chapter 189, the Township may also require the landowner or operator to furnish a bond to guarantee the repair of roads. Financial security shall not be released until the Zoning Officer issues a written notification that all provisions of this Ordinance and the permit have been completed.

d. Enforcement

- (1) Inspections. The Township Zoning Officer or other Township designated employee or consultant, may go upon the site of any forestry/logging operation before, during or after active forestry to: 1) review the Forestry Plan or any other required documents for compliance with this Ordinance; and 2) inspect the operation for compliance with the Forestry Plan and other onsite requirements of this Ordinance.
- (2) Violation Notices; Suspensions. Upon finding that a forestry/logging operation is in violation of any provisions of this Ordinance, the Township Zoning Officer shall issue the operator and landowner a written notice of violation describing each violation and specifying a date by which corrective action must be taken. The Township Zoning Officer may order the immediate suspension of any operation upon finding that: 1) corrective action has not been taken by the date specified in a notice of violation; 2) the operation is proceeding without a Forestry Plan; or 3) the operation is causing an environmental risk. Suspension orders shall be in writing, shall be issued to the operator and the landowner, and shall remain in effect until, as determined by the Township Zoning Officer, the operation is brought into compliance with this Ordinance, or other applicable statutes or regulations. The landowner or the operator may appeal an order or decision of the Zoning Officer in accordance with the provisions of the Pennsylvania Municipalities Planning Code.
- (3) Penalties. Any landowner or operator who: 1) violates any provision of this Ordinance, or who fails to comply with a notice of violation or suspension order issued under Paragraph 2 of this subsection, shall be subject to a fine of not less than Five Hundred Dollars (\$500.00), nor more than One Thousand Dollars (\$1,000.00), plus costs and attorney fees, in accordance with the Pennsylvania Municipalities Planning Code. Each day of continued violation of any provision of this Ordinance shall constitute a separate offense.
- (4) Any operator who knowingly and willfully removes trees not designated for removal in the approved Forestry Plan or removes trees outside of the areas designated for removal by the Forestry Plan shall be subject to a civil penalty in the amount of One Thousand Dollars (\$1,000.00) per tree removed in violation of the provisions of the Forestry Plan and this Ordinance.

SECTION 4: Partial Repealer

All other provisions of the Zoning Ordinance, as amended, shall remain in full force and effect. All other Ordinances or provisions of the Zoning Ordinance inconsistent herewith or in conflict with any of the terms hereof are, to the extent of said inconsistencies or conflicts, hereby specifically repealed.

SECTION 5: Savings Clause

In event any portion of this Ordinance is determined by a Court of Jurisdiction to be unconstitutional or unenforceable, it should not affect any of the other provisions of this Ordinance or of the Zoning Ordinance. All other provisions of the Zoning Ordinance and this Ordinance shall remain in full force and effect.

SECTION 6: Effective Date

All provisions of this Ordinance shall be in full force and effect five (5) days after the approval and adoption.

ORDAINED AND ENACTED this ____ day of _____, 2008.

BOARD OF SUPERVISORS

Kathleen M. Babb, Chairwoman

Michael Lennard, Vice Chairman

Henry DePue, Member

ATTEST:

Nancy M. Yodis, Township Secretary/Treasurer