

UPPER YODER TOWNSHIP  
CAMBRIA COUNTY  
PENNSYLVANIA

ORDINANCE NO. 241

AN ORDINANCE OF THE TOWNSHIP OF UPPER YODER, CAMBRIA COUNTY, PENNSYLVANIA, AMENDING IN WHOLE ORDINANCE NO. 190 OF THE SAID TOWNSHIP WHICH REGULATES THE REMOVAL OF TIMBER WITHIN THE TOWNSHIP OF UPPER YODER AND REQUIRES A PERMIT FOR THE SAME; AND PROVIDING FOR PENALTIES FOR ANY VIOLATION THEREOF.

WHEREAS, the Township of Upper Yoder recognizes that forest management and tree harvesting is an important legitimate activity in the forestland of Upper Yoder Township, Cambria County, Pennsylvania; and

WHEREAS, it is necessary to regulate such activity to ensure that long-term production of forest crops and benefits is encouraged; that the right to harvest trees is exercised with due regard for the protection of the physical property of adjacent landowners and roadways; and that the potential for negative environmental impacts resulting from improper tree harvesting is minimized.

NOW, THEREFORE, be it ordained, and it is hereby ordained by the Board of Supervisors of the Township of Upper Yoder, Cambria County, Pennsylvania, that:

I. INTENT

It is the intent of this Ordinance to regulate timber harvesting practices and to allow for and encourage proper forest management within Upper Yoder 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. 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.

II. DEFINITIONS

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

A. FELLING - The act of cutting a standing tree so that it

falls to the ground.

- B. FOREST TECHNICIAN - A person who has a two-year degree in forestry from a two-year school of forestry associated with or accredited by the Society of American Foresters.
- C. INTERMITTENT STREAM - A stream whose water flow normally occurs during the wet season (October through April) or following major storm events.
- D. LAND USE CHANGE - Conversion of forest land to uses such as residential, commercial, industrial, etc., where forest management practices relative to timber production and harvesting are no longer practical.
- E. LANDING - A place where logs are assembled for transportation in loads.
- F. LITTER - Discarded items not naturally occurring on the site (i.e., tires, oil cans, etc.).
- G. LOGGING PLAN - A written description with a map of a specific logging operation prepared before the operation commences.
- H. LOPPING - To cut tops and slash into smaller pieces to allow material to settle close to the ground.
- I. NON-COMMERCIAL TIMBER STAND IMPROVEMENT - A practice in which the quality of the residual forest stand is improved by removing the less desirable trees, vines, and occasionally large shrubs to obtain the preferred stocking of the best quality trees. It can also include such practices as tree pruning. A non-commercial timber stand improvement is involved with the removal of the above-mentioned trees, etc. but does not yield a net income, usually because the trees cut are too small, poor quality, or not marketable.
- J. OPERATOR - The individual, partnership, company, firm, association, or corporation engaged in the harvest of timber including his/her agents or subcontractors or employees.
- K. OWNER - The individual, partnership, company, firm, association or corporation which holds title to standing timber and to the land on which it is situated, including his/her agents or subcontractors or employees.
- L. PERENNIAL STREAM - A stream whose water flow normally

occurs year-round.

- M. PERMIT - Written permission, warrant or license granted by a governmental authority.
- N. PROFESSIONAL FORESTER - A person who has a Bachelor of Science or higher degree in forestry from a four-year school of forestry associated with or accredited by the Society of American Foresters.
- O. SKIDDING - Dragging trees on the ground, by any means, from the stump to the landing.
- P. SLASH - Woody material left after logging, including logs, chunks, bark, branches, stumps, and broken understory trees or brush.
- Q. 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.
- R. STAND REGENERATION TREATMENT - A selection, shelter-wood, seed tree, or clear-cut that is designed to replace the existing stand with a new stand of young trees.
- S. STREAM - Any channel of conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow.
- T. 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.
- U. TOPS - The upper portion of a felled tree not merchantable because of small size, taper or defect.

### III. APPLICABILITY

- A. The provisions and requirements of this Ordinance shall apply to all commercial tree harvesting operations within the Township where the number of trees removed exceeds twenty-five (25) twelve (12) inches or more in diameter or where the value of the trees or other timber products removed exceeds One Thousand (\$1,000.00) Dollars.

- B. No person, firm, association or corporation shall commence tree harvesting within the Township of Upper Yoder without first having made proper application and without first having obtained a tree harvesting permit from the Township Enforcement Officer.
- C. Upon receipt of the said application the Township Enforcement Officer shall issue said permit if the logging plan thereto attached conforms in all respects with the Rules and Regulations hereunder. The Enforcement Officer shall have discretion to require the applicant to furnish bond or other sufficient surety for the restoration of surface conditions and to ensure proper storm water management. Deviation from the rules and regulations hereunder may be granted upon comprehensive petition made by the applicant to the Board of Supervisors of the Township.
- D. The application shall be accompanied by a fee payable to the Township of Upper Yoder in the base amount of \$300.00 per timber stand up to one acre in size, and an additional fee of \$50.00 per acre for each additional acre. Permits shall be issued for specific sites and shall expire upon the sixth-month anniversary from the date of issue.

#### IV. RESPONSIBILITY

It shall be the responsibility of each land owner on whose land tree harvesting is to be carried out to develop or have developed the logging plan 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.

#### V. REGULATIONS

- A. A logging plan shall be prepared for each tree harvesting operation within Upper Yoder Township by a professional forester or forest technician.
- B. Such plan shall 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 (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), Storm Water Management Rules and Regulations issued under Act of 1978, P.L. 864 No. 167, (Storm Water Management Act), as all of the aforementioned may be amended, or any subsequent applicable legislation. Any permits required by state or federal laws and regulations shall be attached to and made a part of the logging plan.

- C. Points that shall be addressed by the logging plan include the following at 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. Maintenance of items 1 through 5.
  7. Road and log landing retirement.
  8. The general location of the anticipated operation in relation to municipal and state highways.
  9. The location of property boundaries for the tract on which the logging will take place and the boundaries of the proposed harvest area.
  10. A cutting practice or stand prescription for each stand located in the proposed harvest area.
  11. Copies of all required permits shall be submitted as an Appendix to the logging plan.
- D. The plan shall be available at the timber harvesting site.
- E. For all tree harvesting operations that are expected to exceed three (3) acres, the Township Enforcement Officer shall be notified five (5) business days before the beginning and three (3) business days before the end of the operation.
- F. The erosion and sediment control and stream crossing

requirements addressed in the logging plan shall be followed at all times during the operation.

G. 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. The landowner and the operator shall be responsible for repairing any damage to Township roads caused by traffic or practices associated with the timber harvesting operation to the extent that the damage is in excess of that caused by normal traffic. The Township Enforcement Officer may require the landowner or operator to furnish bond or other sufficient surety to repair such damage. Further, the landowner and operator shall be responsible for maintaining the roadways within the Township free from hazardous conditions as the same may be negatively impacted by traffic obstruction, dust, mud or debris.
2. No tops or slash shall be left within twenty-five (25) feet of any public thoroughfare.
3. All tops and slash between a distance of twenty-five (25) and fifty (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.

## VI. ENFORCEMENT AND PENALTY

- A. The Township of Upper Yoder shall designate and appoint

an Enforcement Officer who shall be delegated the duty

and is hereby vested with the authority to enforce all provisions contained in this Ordinance.

- B. The Township Enforcement Officer may go upon the site of any timber harvesting operation before, during or after active logging to (1) review the logging plan or any other required documents for compliance with this Ordinance, and (2) inspect the operation for compliance with the logging plan and other on-site requirements of these regulations.
- C. Upon finding that a timber harvesting operation is in violation of any provision of this Ordinance, the Township Enforcement Officer shall issue the operator and the landowner a written notice of violation describing each violation and specifying a date by which corrective action must be taken. The Township Enforcement 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 logging plan; or (3) the operation is causing an immediate 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 Enforcement 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 an enforcement officer within thirty (30) days of issuance to the governing body of the Township.
- D. Any landowner or operator who (1) violates any provision of this Ordinance; (2) refuses to allow the Township Enforcement Officer access to a harvest site pursuant to paragraph B of this section, or (3) who fails to comply with a notice of violation or suspension order issued under paragraph C of this section is guilty of a summary offense and upon conviction shall be subject to a fine of not less than One Hundred (\$100.00) Dollars nor more than Three Hundred (\$300.00) Dollars, plus costs, for each separate offense. Each day of continued violation of any provision of this Ordinance shall constitute a separate offense.

If any sentence, clause, section or part of this Ordinance is for any

reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, sentence, section or part thereof not been included herein.

To the extent that any provision of Ordinance No. 190 of the Township of Upper Yoder is inconsistent herewith, the same is hereby repealed.

VIII.

Forestry including, but not limited to, timber harvesting is a permitted use in all districts.

ORDAINED and ENACTED the 1 day of April, 1998.

TOWNSHIP OF UPPER YODER

By [Signature]  
Supervisor

[Signature]  
Supervisor

Paul A. Pesh  
Supervisor

[Signature]  
Supervisor

Donna B. Caudle  
Supervisor

ATTEST:

Marilyn Kay Maber  
Secretary



TIMBER ORDINANCE FEES

AS ESTABLISHED BY THE BOARD OF SUPERVISORS AT THEIR  
REORGANIZATION MEETING HELD 1/5/04

APPLICATION FEE	\$300.00
ACREAGE FEE	\$ 50.00 PER ACRE UP TO & INCLUDING 10 ACRES
ACREAGE FEE	\$25.00 PER ACRE FOR 11 ACRES UP TO 50 ACRES
ACREAGE FEE	\$15.00 PER ACRE FOR 51 ACRES AND UP

APPLICATION NUMBER \_\_\_\_\_

PERMIT NUMBER \_\_\_\_\_

# APPLICATION TO HARVEST TIMBER IN UPPER YODER TOWNSHIP

NAME OF PROPERTY OWNER: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_

TELEPHONE NUMBER: \_\_\_\_\_  
DEED OR PARCEL NUMBER: \_\_\_\_\_

TIMBERING CONTRACTOR: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_

CONTACT PERSON: \_\_\_\_\_  
TELEPHONE NUMBER: \_\_\_\_\_

CONTRACT TYPE: WRITTEN ( ) OR ORAL ( )  
IF WRITTEN ATTACH COPY OF CONTRACT

HARVEST PERIOD: FROM: \_\_\_\_\_ TO \_\_\_\_\_  
AGREEMENT PRICE: \_\_\_\_\_

TYPE, NUMBER, SIZE OF TREES: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SURVEY PLAN: ATTACH PLAT PLAN OF PROPERTY WITH  
HARVESTING AREA MARKED IN RED

ROADWAYS TO BE USED: \_\_\_\_\_  
\_\_\_\_\_

IS ROADWAY BONDED: YES ( ) OR NO ( )

ATTACH A STATEMENT DESCRIBING WHAT STEPS WILL BE TAKEN TO RESTORE THE SURFACE OF THE GROUND FOLLOWING THE REMOVAL OF THE TIMBER AND WHAT STEPS WILL BE TAKEN TO PREVENT SOIL EROSION AND WATER RUN-OFF PROBLEMS. A RESTORATION PERFORMANCE BOND MAY BE REQUIRED TO GUARANTEE RESTORATION OF PREEXISTING SURFACE CONDITIONS.

I, THE APPLICANT, HEREBY CERTIFY THAT ALL FACTS SET FORTH IN THIS APPLICATION ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF; AND, I FURTHER UNDERSTAND THAT ANY FALSE STATEMENTS OR MISREPRESENTATION OF FACTS WILL RESULT IN THE FILING OF CRIMINAL CHARGES FOR UNSWORN FALSIFICATION TO AUTHORITIES: CRIMES CODE SECTION 4904. I FURTHER GIVE PERMISSION TO THE PROPER TOWNSHIP AUTHORITY TO PERIODICALLY INSPECT THE SITE TO CONFIRM COMPLIANCE.

DATE OF APPLICATION: \_\_\_\_\_ SIGNATURE OF APPLICANT: \_\_\_\_\_