

ORDINANCE NO. 2011 - 6

AN ORDINANCE OF HILLTOWN TOWNSHIP BOARD OF SUPERVISORS AMENDING CHAPTER 160, ZONING ORDINANCE, RELATIVE TO DEFINITIONS, FORESTRY, AND WOODLAND PROTECTION.

The Hilltown Township Board of Supervisors upon review by the Bucks County Planning Commission and Hilltown Township Planning Commission hereby enacts and ordains the following Ordinance:

ARTICLE I **Section 160-11 Definitions** is amended to add the following definitions:

Basal Area - The cross sectional area of the stem of a tree measured four and one-half (4.5) 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.

dbh - Diameter breast height. The diameter of a tree measured at four and one-half (4.5) feet above grade.

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.

Forestry - The management of forests and timberlands when practiced in accordance with accepted silviculture principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, and which does not involve any land development.

Stream - Rivers, creeks, springs, and other perennial or intermittent watercourses containing water at least on a seasonal basis during an average water year. The term "stream" shall include all "Ephemeral", "Intermittent", and "Perennial" Streams.

- (a) Stream, Ephemeral. A reach of a naturally occurring stream that flows only during and for short periods following precipitation, and flows in low areas that may or may not have a well-defined channel. Ephemeral streams connect to a perennial or intermittent stream, or other natural waterbody such as a pond, lake or wetland. Ephemeral stream beds are located above the water table year-round. Groundwater is not a source of water for the stream. Ephemeral streams typically have little or no aquatic community.
- (b) Stream, Intermittent. A reach of stream that flows only during wet periods of the year and flows in a continuous well-defined channel. During dry periods, especially in summer months, intermittent streams may only have a trickle of visible flow, but there is subsurface flow. This condition is usually caused by seasonal changes in groundwater table or periods of drought. The aquatic community has low diversity, and/or a dominance of forms with relatively short aquatic life stages, and/or absence of predators or multiple life stages.

- (c) Stream, Perennial. A body of water in a channel that flows throughout a majority of the typical water year in a defined channel and is capable, in the absence of pollution, drought or man-made stream disturbances, of supporting a benthic macroinvertebrate community with relatively long aquatic life stages and/or the presence of multiple life stages, and/or the presence of rooted aquatic plants.

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.

Watercourse - Refer definition of stream.

ARTICLE II Section 160-22 **Table of Use Regulations** is revised to allow Use A4, Forestry as a use permitted by-right in all zoning districts.

ARTICLE III Section 160-23.A(4) is revised to read as follows:

- (4) A-4 Forestry. Refer definition in Section 160-11.

Note: All tree trunk diameters in this Section shall be measured at four and one-half (4.5) feet (dbh) above the ground level.

- (a) Forestry is the management of forests and woodlands 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 Pennsylvania Municipalities Planning Code.
- (b) 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 4(c) or 4(d):
 - [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 a 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 woodland 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 60 feet from the centerline of a perennial or intermittent stream, and 25 feet from the centerline of an ephemeral stream. The removal allowed by this subsection (4)(b)[4] shall be in addition to trees allowed to be removed under the other subsections of this Section 4(b).

- [5] For removal of trees as part of a development, Sections 160-25, Site Capacity Calculations and 160-28 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.
- (c) 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 PADEP Chapter 102, Erosion Control Rules and Regulations and PADEP 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 and intermittent 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
 - [e] General location of the proposed operation to Township and State roads, including any accesses to those roads.
- [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 the Bucks County Conservation District "Letter of Adequacy" for the proposed erosion control facilities, including associated plans, reports, and other permits, as required.
- (d) 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 "No Logging" buffer zone with a width of 60 feet shall be maintained from the centerline of all perennial and intermittent streams; and 25 feet from the centerline of an ephemeral streams. All earth disturbance related to forestry within this buffer zone shall be prohibited with the exception of temporary stream crossings permitted by PADEP.
- [c] No equipment, skidders, dozers, or tracked or tired machines or vehicles, shall be permitted within a no logging buffer zone except to permit crossing pursuant to Subsections [a] and [b] above. No trees shall be felled into a no logging buffer zone.
- [d] 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 (dbh).
- [e] All temporary stream crossings of a perennial or intermittent stream shall be made with a temporary bridge. Skidding of trees, and the operation of any vehicle and equipment thru a perennial or intermittent stream shall be prohibited.
- [f] 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 street.
- [g] No tops or slash shall be left within 25 feet of any public street.
- [h] All tops and slash shall be lopped to a maximum height of 6 feet above the surface of the ground.
- [i] No tops or slash shall be left on or across a property boundary without the consent of the adjoining landowner.
- [j] Litter (trash) resulting from any forestry operation shall be cleaned up and removed from the site before it is vacated by the operator.
- [k] Any soil, stones and/or debris carried onto a public street must be removed immediately.
- [l] 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%.

- [m] 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.
 - [n] 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.
 - [o] The no logging buffer zone required by Subsection 160-23A4(d)[4][b] above along streams shall be marked with survey tape, temporary non-destructive fencing or similar demarcation to prevent accidental incursion into the buffer zone with heavy equipment.
 - [p] 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 Section 160-23A4(C)[1]. 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 determines that all provisions of this Ordinance and the permit have been completed.

(e) 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 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.

ARTICLE IV Section 160-28 Environmental Protection Standards, Subsection D Forest is revised to read as follows:

- D. Forest (Woodlands). No more than 20% of any forest may be cleared or developed. The remaining 80% shall be permanently protected and undeveloped except as permitted pursuant to an approved zoning permit for Use A4, Forestry. The forest area shall not be planted in lawn and shall remain in its natural conditions with the natural forest groundcover left intact.

ARTICLE V Repealer. This Ordinance hereby repeals any provision inconsistent with the Zoning Ordinance now in effect or of other Ordinances, to the extent of such inconsistency.

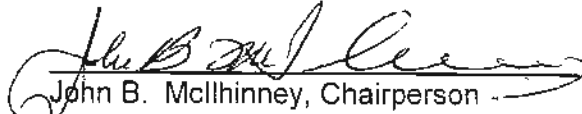
All other provisions of the Zoning Ordinance of Hilltown Township, not inconsistent herewith, shall remain in full force and effect.

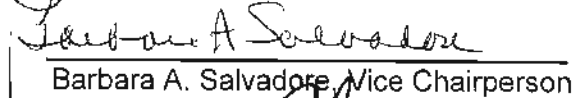
ARTICLE VI Severability. The provisions of this Ordinance are declared to be severable. If any provision of this Ordinance is determined by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Ordinance.

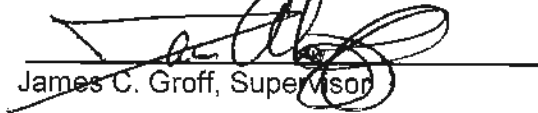
ARTICLE VII Effective Date. This Ordinance shall become effective five (5) days after its adoption.

ORDAINED AND ENACTED into Ordinance this 23rd day of May, 2011.

**Hilltown Township
Board of Supervisors**


John B. McIlhinney, Chairperson


Barbara A. Salvadore, Vice Chairperson


James C. Groff, Supervisor