

**BOROUGH OF ECONOMY
ORDINANCE NO. 481**

AN ORDINANCE OF THE BOROUGH OF ECONOMY, BEAVER COUNTY, PENNSYLVANIA, AMENDING CHAPTER 180 OF THE CODE OF THE BOROUGH OF ECONOMY ENTITLED "ZONING" TO UPDATE THE FORESTRY AND TIMBER HARVESTING REGULATIONS.

WHEREAS, revisions appear as follows: underlined for text to be added, ~~strikeout~~ for text to be removed, if any, and where entire sections are to be repealed and/or deleted, it shall simply be noted.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the authority of Borough Council of the Borough of Economy and it is hereby ordained and enacted by and with the authority of the same as follows:

SECTION 1. Article II, § 180-07 is hereby amended to add the following definitions:

FELLING

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

FORESTRY OPERATOR

An individual, partnership, company, firm, association, or corporation engaged in timber harvesting, including the agents, subcontractors, and employees thereof.

LANDING

A place where logs, pulpwood, or firewood are assembled for transportation to processing facilities.

LOGGING

See "timber harvesting."

LOP

To cut tops and slash into smaller pieces to allow material to settle close to the ground.

PRE-COMMERCIAL TIMBER STAND IMPROVEMENT

A forest practice, such as thinning or pruning, that results in better growth, structure, species composition, or health for the residual stand but does not yield a net income to the landowner, usually because any trees cut are of poor quality, too small, or otherwise of limited marketability or value.

SKIDDING

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

SLASH

Woody debris left in the woods after logging, including logs, chunks, bark, branches, uprooted stumps, and broken or uprooted trees or shrubs.

STAND

Any area of forest vegetation whose site conditions, past history, and current species composition are sufficiently uniform to be managed as a unit.

STREAM

Any natural or artificial channel of conveyance for surface water with an annual or intermittent flow within a defined bed and bank.

TIMBER HARVESTING

That part of forestry involving cutting down trees and removing logs from the forest for the primary purpose of sale or commercial processing into wood products.

TIMBER HARVESTING LITTER

Discarded items not naturally occurring on the site, such as tires, oil cans, equipment parts, and other rubbish.

TOP

The upper portion of a felled tree that is not merchantable because of small size, taper, or defect.

TREE HARVESTING

See "timber harvesting."

WETLAND

Areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances, do support a prevalence of vegetation typically adapted for life in saturated soil conditions including swamps, marshes, bogs, and similar areas.

SECTION 2.

§ 180-77 of Article XII "Forestry" is hereby removed in its entirety.

SECTION 3.

The following new § 180-77 of Article XII “Forestry” is hereby inserted.

§ 180-77 Forestry

Forestry, as defined herein, must be conducted in accordance with the following provisions.

- A. An application for a zoning permit is required for all proposed timber harvesting activities where the value of the trees, logs, or other timber products removed exceeds \$2,000.
- B. These provisions do not apply to the cutting of trees for the personal use of the landowner or for precommercial timber stand improvement.
- C. No timber harvesting, as defined herein, may commence prior to the issuance of a zoning permit.
- D. **Application requirements.** In addition to the requirements for a zoning permit of § 180-111, the application for timber harvesting must include a logging plan that complies with all the following:
 - (1) Every landowner on whose land timber harvesting is to occur must prepare a written logging plan in the form specified by this ordinance. No timber harvesting is permitted to occur until the plan has been prepared and provided to the municipality.
 - (2) **Plan requirements.** The logging plan must include the following:
 - (a) The design, construction, maintenance, and retirement of the access system, including haul roads, skid roads, skid trails, and landings.
 - (b) The design, construction, and maintenance of water control measures and structures, such as culverts, broad-based dips, filter strips, and water bars.
 - (c) The design, construction, and maintenance of stream and wetland crossings.
 - (3) **Map requirements.** The logging plan must include a sketch map or drawing 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 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) Location of all crossings of waters of the Commonwealth.
 - (e) The general location of the proposed operation to municipal and state highways, including any accesses to those highways.

- (4) **Compliance with state law.** The logging plan must address and comply with the requirements of all applicable state regulations including, but not limited to, the following:
- (a) Erosion and sedimentation control regulations contained in Title 25 Pennsylvania 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 Title 25 Pennsylvania Code, Chapter 105, promulgated pursuant to the Dam Safety and Encroachments Act (32 P.S. § 693.1 et seq.).
- (5) **Relationships of state laws, regulations, and permits to the logging plan.** Any permits required by state laws and regulations must be attached to and become part of the logging plan. An erosion and sedimentation pollution control plan that satisfies the requirements of Title 25 Pennsylvania Code, Chapter 102, may also satisfy the requirements for the logging plan and associated map specified in paragraphs (2) and (3) of this section, provided that all information required by these paragraphs is included or attached.

E. Notification of commencement or completion.

- (1) **Notice to Borough.** For all timber harvesting operations that are expected to exceed 1 acre, the landowner must notify the municipality enforcement officer at least 7 business days before the operation commences and within 5 business days before the operation is complete. No timber harvesting is permitted to occur until the notice has been provided. Notification must be in writing and specify the land on which harvesting will occur, the expected size of the harvest area, and, as applicable, the anticipated starting or completion date of the operation.
- (2) **Notice to Adjoining Property Owners.** For all timber harvesting operations that are expected to exceed 1 acre, the landowner must provide mailed, written notification to the owners of all abutting properties and those immediately across a street or way at least 7 business days before the operation commences and within 5 business days before the operation is complete. The landowner must provide a copy of this written notification to the Borough.

- F. **Compliance with logging plan.** The provisions of the plan must be followed throughout the operation. The plan must be available at the harvest site at all times during the operation and must be provided to the code enforcement officer upon request. The landowner and the forestry operator are jointly and severally responsible for complying with the terms of the logging plan.

G. Forestry practices. All timber harvesting operations in the Borough must comply with the following requirements:

- (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 the thoroughfare.
- (2) All tops and slash must be removed from within 25 feet of any public or private right-of-way providing access to adjoining residential property.
- (3) All tops and slash between 25 and 50 feet from a public or private roadway providing access to adjoining residential property or within 50 feet of adjoining residential property must be lopped to a maximum height of 4 feet above the ground.
- (4) No tops or slash are permitted to remain on or across the boundary of any property adjoining the operation without the consent of the owner thereof.
- (5) Timber harvesting litter, as defined herein, must be removed from the site before it is vacated by the forestry operator.

H. Responsibly for road maintenance and repair; road bonding. The regulations of Economy Borough's General Legislation: Article IV §175-18 through §175-22 regarding vehicle weight limits will apply. The landowner and forestry operator are responsible for repairing any damage to municipality roads and for providing a surety as agreed to in the Excess Maintenance Agreement executed with the Overweight Vehicle Permit per Economy Borough's General Legislation: Article IV §175-20. The provisions regarding road bonding shall be the same as set forth in Chapter 189 of the Pennsylvania Department of Transportation Regulations, which chapter is hereby incorporated and made a part of this ordinance by this reference thereto.

SECTION 4.

Severability. Should any sentence, section, clause, part or provisions of this Ordinance amendment be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part declared to be invalid.

SECTION 5.

Repealer. All ordinances, code sections or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6.

This Ordinance shall take effect immediately upon its adoption.

ORDAINED AND ENACTED this 12th day of December, 2023. This Ordinance shall Take Effect the 12th day of December, 2023.



BOROUGH OF ECONOMY


Frank Morrone, President

ATTEST:


Travis Cavanaugh, Borough Manager

Examined and Approved on this 12th day of December, 2023.


Jo Ann Borato, Mayor

I, Travis Cavanaugh, Borough Manager of the Borough of Economy, do hereby certify that the foregoing Ordinance was advertised in the Beaver County Times, a newspaper of general circulation, on 21st day of November, 2023, and on 28th day of November, 2023, and that this is a true and correct copy of Ordinance No. 481, adopted at a regular meeting of the Borough Council, held on the this 12th day of December, 2023.


Borough Manager

12/12/2023
Date