

COLLIER TOWNSHIP

TIMBER HARVEST PERMIT APPLICATION

All applicants for a Timber Harvest Permit pursuant to the Collier Township Zoning Ordinance Logging Regulations, as amended, must complete each portion of this application. Additional sheets may be attached hereto, if necessary. Do not write on the back of the application. Ten copies of this application and any attachments should be forwarded to the Collier Township Zoning Officer, 2418 Hilltop Road, Presto, PA 15142.

I. General Information

a. Name and address of all owners whose property is to be harvested.

Phone: _____

Property Block & Lot No.: _____

Zoning District: _____

b. Name and address of timber harvest operator.

Phone: _____

(1) Has the logging operator been cited or sued within the last five years for violation of logging or environmental regulations of any public agency?

_____ Yes. _____ No.

If yes, provide details: _____

c. Proposed date of tree harvest operation.

Start: _____ Finish: _____

d. Total proposed acreage to be harvested: _____

e. Description of the trees to be harvested by size, number and type of tree:

f. Description of method of timber harvesting.

g. Description of all stormwater management and erosion measures to be taken.

h. Describe revegetation/reseeding/remulching.

i. Date of logging Contract: _____ Attach copy.

II. General Requirements

- a. Provide site plan, in both paper and electronic format as directed by the Township Engineer, of the parcel or parcels of property which the timber harvest will be conducted showing the information required by the Ordinance, including but not limited to:
- i) location of existing roadways and of any new roadways to be cut.
 - ii) topography of the property, slopes exceeding 12% and 25% slope and landslide-prone areas.
 - iii) location of property boundaries, drains, watercourses, floodplains, woodlands, wetlands, stormwater or erosion control devices, water mains, storm sewers, sanitary sewers and other utility facilities.
 - iv) location of timber to be harvested and of 50 foot buffer along public roads, harvesting areas, landing areas and adjacent properties.
 - v) all other information required by Township Ordinance No. _____.
- b. Review Fees. Applicant(s) must reimburse the Township for reasonable fees charged by the Township Engineer, Township Forester, Township Solicitor or other professional consultant used by the Township to review the application. A \$50.00 nonrefundable administrative fee and \$250.00 deposit towards review fees must accompany this application.
- c. Security. Prior to the commencement of a timber harvest operation, applicants must provide security pursuant to § 1811.3(s) and § 1811.4(a) of the Ordinance. Security must be in the form of a bond written by a security company authorized to do business in the Commonwealth of Pennsylvania with the Township as obligee in the amount of \$500 per acre or other such security as is acceptable to the Township Solicitor or Township Engineer.
- d. A narrative in accordance with § 1811.2(c) of the Ordinance outlining compliance with applicable regulations.
- e. For further requirements, please see Collier Township Zoning Ordinance No. _____, as amended.

III. Special Requirements and Waiver

- a. Are you requesting a waiver pursuant to § 1811.5(a) of the Ordinance from any of the provisions of the Ordinance? _____ Yes _____ No

If so, describe the provision from which you are requesting a waiver and the reasons for the waiver as described in § 1811.5(a).

- b. Are you proposing to harvest timber on a slope exceeding 12 percent?

Yes _____ No _____

If yes, delineate the area involved in the site plan.

Are you proposing to harvest timber on a slope exceeding 25 percent? § 1811.3(d) of the Ordinance prohibits timber harvesting on slopes exceeding 25 percent.

Yes _____ No _____

- c. Are you proposing to cut trees with a diameter of 36 inches or more?

Yes _____ No _____

If so, describe the circumstances under which you will be harvesting such trees.

d. Do you intend to replant after the completion of each phase of your timber harvesting operation? Yes _____ No _____

e. Are you required to obtain a stream crossing permit from the Commonwealth of Pennsylvania Department of Environmental Protection? Yes _____ No _____

If so, attach an approved copy of the permit to this application.

f. As of the date of this application, do you currently have, or are you required to have, an Erosion and Sedimentation Plan? Yes _____ No _____

If so, attach an approved copy of your Erosion and Sedimentation Plan to this application.

g. Applicant understands and agrees that each tree to be removed has been designated by the consulting or state forester with paint or other distinctive means at two points so as to be readily visible by the logging operator. One point shall be low enough on the tree so as to be visible on the stump after the tree is removed.

THE UNDERSTIGNED HAVE READ AND UNDERSTAND THE TOWNSHIP TIMBER HARVEST ORDINANCE AND ASSURE THE TOWNSHIP THAT THE PROPOSED TIMBER HARVEST OPERATION WILL COMPLY IN EVERY RESPECT WITH THE ORDINANCE.

Property Owner

Property Owner's Signature

Date: _____

Timber Harvest Operator

Timber Harvest Operator's Signature

Date: _____

Township Zoning Officer

APPROVED

DENIED – Statement of reasons for denial attached.

Date: _____

ARTICLE IV. Timber Harvesting Permit

- A. Original application: A nonrefundable administrative fee of \$50.00, plus a \$250.00 deposit towards the actual cost of the Township Engineer, Township Solicitor, Township Forestry Consultant or other professional consultant for review of said application. If actual cost exceeds \$250.00, applicant must pay the difference or the permit shall lapse. If actual cost is less than \$250.00, the difference shall be refunded to the applicant.
- B. Permit Renewal: A nonrefundable administrative fee of \$50.00, plus a \$100.00 deposit towards the actual cost of the Township Engineer, Township Solicitor, Township Forestry Consultant or other professional consultant for review of said application. If actual cost exceeds \$100.00, applicant must pay the difference or the permit shall lapse. If actual cost is less than \$100.00, the difference shall be refunded to the applicant.

**TOWNSHIP OF COLLIER
ORDINANCE NO. 624**

**AN ORDINANCE OF THE TOWNSHIP OF COLLIER AMENDING THE
TOWNSHIP ZONING ORDINANCE, ORDINANCE NO. 592, AS
AMENDED, AND PROVIDING FOR LOGGING REGULATIONS TO BE
APPLICABLE IN ALL ZONING DISTRICTS**

- I. **Legislative Findings of Fact.** The Board of Commissioners, based on experience with development in the Township and upon the recommendations of its professional consultants, finds the following facts:
- A. The Township's Comprehensive Plan adopted in 2001 established a Township-wide goal to protect environmental features and preserve open space.
 - B. The Municipality's Planning Code authorizes zoning ordinances to provide for protection of environmentally-sensitive areas, including forests and woodlands, Sections 105, Section 603(c)(7), Section 604(1) and Section 605(2)(iii).
 - C. Timber harvesting regulation is an effective tool for reducing erosion and sedimentation and assisting in stormwater management and will help to prevent damage to both public and private property, streams, roads, and other areas within the Township by helping to reduce uncontrolled water runoff, soil erosion and by helping to preserve sensitive natural resources, including forests and timber harvesting.
 - D. The timber harvesting controls imposed by this Ordinance will help to preserve and increase property values within Collier Township while permitting a reasonable degree of forestry activity on property in all zoning districts.
- II. The Board of Commissioners of Collier Township, based on the findings set forth above and the recommendation of its professional consultants, does hereby ordain that the following amendments to the Collier Township Zoning Ordinance, Ordinance No. 592, as amended, be made:
- A. A new Section 1811 – TIMBER HARVESTING CONTROLS, shall be added to read as follows:

§ 1811. Timber Harvesting Controls – Purpose. It is the intent and purpose of these controls to preserve forests and woodlands and protect public and private property while allowing a reasonable degree of appropriate forestry activity on property in all zoning districts.

§ 1811.1 Applicability

- (a) When a property owner wishes to conduct or permit to be conducted a TIMBER HARVESTING operation on his property, such owner shall obtain a TIMBER HARVESTING permit from the TOWNSHIP.
- (b) A TIMBER HARVESTING permit shall not be required for the following:
 - (1) Timber harvesting in connection with work performed on ground to be covered by structures, pavement or other improvements noted on a subdivision or LAND DEVELOPMENT plan approved by the Township Board of Commissioners, where such work is to be commenced within thirty (30) days of the harvesting and all permits for such work have been issued.
 - (2) TIMBER HARVESTING on lots less than two (2) acres in size, provided that no TIMBER HARVESTING has occurred within five (5) years on any contiguous lot without a permit.

Even though a permit is not required for the activities described in this § 1811.1(b), such activities must still be performed in compliance with the substantive requirements of § 1811.3(c) through (r) and in § 1811.4.

- (c) The TOWNSHIP shall be notified in writing before any TIMBER HARVESTING operation begins so that the TOWNSHIP may determine if other TOWNSHIP permits or approvals are required for the particular operation, the TOWNSHIP shall be notified at the following times:
 - (1) Fifteen (15) business days prior to starting the operation.
 - (2) Five (5) business days prior to terminating the operation.

§ 1811.2 Submission Requirements for Permit Application. A TIMBER HARVESTING application shall be filed with the TOWNSHIP and shall contain the following:

- (a) A narrative containing the following information:
 - (1) The name and address of all landowners.

- (2) Purpose of the proposed operation.
 - (3) Total land area involved in the proposed TIMBER HARVESTING operation, not to exceed 10 acres per permit.
 - (4) Total number of trees selected for harvesting.
 - (5) Reforestation narrative outlining the re-vegetation of the LANDING AREA, SKID TRAILS, and HARVEST AREA.
 - (6) A chart indicating the quantity of trees, the ranges (DBH) and species of the trees selected for harvesting.
 - (7) Stormwater control measures to be used.
 - (8) Stream crossings and wetland protection measures to be used.
 - (9) A statement confirming that each tree to be removed has been designated by the consulting or state forester with paint or other distinctive means at two (2) points so as to be readily visible by the logger. One (1) point shall be low enough on the tree so as to be visible on the stump after the tree is removed.
 - (10) The name, address and telephone number of the logging operator to be used, a copy of the logging operator contract and such information about the identity and experience and background of the operator as the Township may require.
- (b) A legibly drawn SITE PLAN containing the following information and drawn to the following specifications:
- (1) Be drawn to a scale not to exceed one (1) inch equals one hundred (100') feet.
 - (2) Be drawn on a sheet size not to exceed thirty by forty (30" x 40") inches. A copy of the SITE PLAN shall also be provided in digital format (".TIF" format on CD-ROM)
 - (3) Be prepared in accordance with standard architectural and engineering practices

- (4) Be sealed by ENGINEER(s) and/or SURVEYOR(s) of record.
 - (5) The name(s) and address(es) of the LANDOWNER and adjacent property owners.
 - (6) Contain a vicinity map, which shows the property(s) proposed for TIMBER HARVESTING as shown on a current TOWNSHIP map. The vicinity map shall identify all adjacent properties and the name of property owners surrounding the proposed TIMBER HARVESTING operation.
 - (7) The boundary of the site to be timber harvested as indicated by a heavy line with length of course in feet.
 - (8) The location and names of STREETS and roads adjacent to the proposed TIMBER HARVESTING operation.
 - (9) Utility rights-of-way and/or easements.
 - (10) Existing watercourses, FLOODPLAINS, woodlands and wetlands.
 - (11) The required fifty (50') foot BUFFER along any harvesting area, landing area, public road, and adjacent property.
 - (12) Topography of the property, including all slopes of twenty five percent (25%) or greater and slide-prone soil areas.
 - (13) Earth disturbance locations, including SKID TRAILS and LANDING AREAS.
- (c) A narrative, including a copy of all Commonwealth permits, indicating that the LOGGING OPERATOR shall address and comply with the requirements of this Ordinance and of all applicable Commonwealth laws and regulations including, but not limited to the following:
- (1) Erosion and Sedimentation Control Regulations, 25 Pennsylvania Code, Chapter 102, promulgated pursuant to the Clean Streams Law;
 - (2) Stream crossings and wetland protection regulations issued pursuant to the Stormwater Management Act; and

- (3) Stormwater management plans and regulations issued pursuant to the Stormwater Management Act and applicable Township stormwater regulations.

Such narrative will contain the signature of the LOGGING OPERATOR as to each 10 acre area for which a permit is applied.

- (d) Payment of the application fee in an amount to be set from time to time by resolution of the Board of Commissioners and the agreement of all applicants to reimburse the Township for the fees it incurs in using the Township Engineer, Township Solicitor, forester or consulting forester or other professional consultant in review of the application.

§ 1811.3 TIMBER HARVESTING Operation Regulations. Any TIMBER HARVESTING operation shall meet the following requirements:

- (a) At least thirty percent (30%) of the forest cover (canopy) shall be preserved and the residual trees shall be well distributed. At least thirty (30%) of these residual trees shall be composed of higher value species as determined by a consulting or state forester.
- (b) Trees selected for harvesting shall be marked at two (2) distinctive locations thereon. The higher of the two marks shall be provided around the entire circumference of the tree. The lower mark must be visible on the stump after the tree is removed.
- (c) A fifty (50') foot BUFFER ZONE, within which no TIMBER HARVESTING shall occur, shall be required between the boundary of any TIMBER HARVESTING area or LANDING AREA and any public street, road or the boundary of any adjoining property.
- (d) TIMBER HARVESTING is prohibited on areas with slopes greater than twenty-five percent (25%)
- (e) TIMBER HARVESTING is prohibited within a FLOODWAY or FLOODPLAIN.
- (f) As directed by the TOWNSHIP, a soils engineer registered to practice in the Commonwealth of Pennsylvania shall monitor and report to the Township, to the extent determined by the Township Engineer to be advisable given the land in question, all forest activities occurring on or affecting landslide prone soils, as classified in the latest available edition of the Soil Survey of

Allegheny County (USDA – Soil Conservation Service), and/or areas with a slope equal to or greater than 12%.

- (g) No TIMBER HARVESTING operation or removal of products shall take place between the hours of 7:00 p.m. and 8:00 a.m. or any time on Sundays or legal holidays.
- (h) Trees falling on adjacent properties as a result of a TIMBER HARVESTING operation shall be returned immediately to the landowner's property, who shall be responsible for any damage, cost or restoration to the affected adjacent property.
- (i) Falling or SKIDDING on or across any public road or right-of-way is prohibited without the express written consent of the TOWNSHIP, the Allegheny County Department of Public works, or the Pennsylvania Department of Transportation, whichever is responsible for maintenance of such public road or right-of-way.
- (j) Waste material shall be removed to a point out of sight of any public road or adjacent property. No TOPS or SLASH shall be left within fifty (50') feet of any public road, street, adjacent property, or private roadway providing access to adjoining residential property.
- (k) No TOPS or SLASH shall be left on or across the boundary of any property adjoining the TIMBER HARVESTING operation without the written consent of the owner thereof.
- (l) No TOPS or SLASH shall be left in a FLOODWAY or FLOODPLAIN.
- (m) The TOWNSHIP shall have the authority to order the suspension of any TIMBER HARVESTING operation if, in the TOWNSHIP's opinion, conditions created by the spring thaw, adverse weather, or any other cause makes soil erosion likely.
- (n) Any TIMBER HARVESTING operation in existence at the time of enactment of this Article may continue without interruption, provided that application is made within thirty (30) days of said enactment for a TIMBER HARVESTING permit under the provisions of this Article and that such permit is granted.
- (o) The maximum term of any permit issued pursuant to this Article shall be four (4) months. However, because the TIMBER HARVESTING operation may be adversely affected or delayed by unusual circumstances of weather or other occurrences, one

additional four (4) month extension, after payment of a renewal fee equal to the initial permit fee, may be granted by the TOWNSHIP.

- (p) The TOWNSHIP may require that, prior to completion of the TIMBER HARVESTING operation, a written report be filed by the Consulting or State Forester indicating what measures should be taken in order to properly restore the property.
- (q) Upon completion of the TIMBER HARVESTING operation, all disturbed areas including, but not limited to, the LANDING AREA(s) and SKID TRAILS shall be re-vegetated pursuant to the Erosion and Sedimentation Control plans and the Stormwater Management Plans as approved by the Commonwealth of Pennsylvania's Department of Environmental Protection and/or the TOWNSHIP.
- (r) A TIMBER HARVESTING operation shall not include any on-site processing of harvested trees or manufacturing except as permitted by the Zoning Ordinance.
- (s) Prior to commencement of timber harvesting, the applicant shall post bond in form acceptable to the Township Solicitor and in an amount as determined by the Township Engineer to be sufficient to guarantee restoration of disturbed areas as required herein. Substitute security may be permitted if in form acceptable to the Township Solicitor.

§1811.4 Road Maintenance. All persons conducting Timber Harvesting or Logging as defined herein shall meet the following Road Maintenance Requirements:

- (a) Prior to hauling on any Township road, the applicant shall post bond in an amount to be determined by the Township Engineer, and in form acceptable to the Township Solicitor, to guarantee restoration of any road damages by hauling.
- (b) The TOWNSHIP shall have the authority to suspend any TIMBER HARVESTING operation should the TOWNSHIP determine that conditions of the TIMBER HARVESTING operation will cause or make likely damage to a TOWNSHIP maintained road.
- (c) The repair of roads, bridges and culverts damaged as a result of the TIMBER HARVESTING operation shall be repaired to the satisfaction of the TOWNSHIP.

- (d) The PERMITTEE, LOGGING OPERATOR, or a designated representative shall not create a new access or use an existing access onto a county or state maintained road without first showing proof that the access is permitted by the Allegheny County Department of Public Works or the Commonwealth of Pennsylvania's Department of Transportation.
- (e) The PERMITTEE, LOGGING OPERATOR, or a designated representative shall not create a new access or use an existing access onto a TOWNSHIP maintained road without first obtaining permission from the TOWNSHIP for using said access.
- (f) Any disturbance along a TOWNSHIP maintained street or road to create a new or improve upon an existing access shall be reconstructed back to its original condition as it was prior to the commencement of the TIMBER HARVESTING operation.

§1811.5 Waivers and Enforcement

- (a) The TOWNSHIP Zoning Officer, in his reasonable discretion and upon the written recommendation of the TOWNSHIP Engineer, shall have the right to waive any technical or substantive requirement of this Article if the requirement is determined to be unnecessary to achieve the environmental preservation purposes of this Ordinance, if the waiver results in no additional threat of erosion, landslide, stream pollution or degradation or adverse impact on adjacent properties and if the requirement imposes unnecessary hardship. The TOWNSHIP Zoning Officer, in his reasonable discretion and upon the written recommendation of the TOWNSHIP Engineer, shall also have the right to add any additional conditions, at the time of permit issuance or as work under an issued permit proceeds, including additional bonding or other financial security for the actual restoration of damaged roads, deemed necessary to protect the health, welfare and safety of the residents of the TOWNSHIP.
- (b) The TOWNSHIP Zoning Officer or his/her designee shall be enforcement officer for this Article and shall issue or deny permits hereunder.
- (c) The TOWNSHIP Zoning Officer or his/her designee may enter the site of any TIMBER HARVESTING operation before, during, or after active logging to (1) review the TIMBER HARVESTING plan or any other required documents for compliance with this Article and (2) inspect the operation for compliance with the

TIMBER HARVESTING plan and other on-site requirements of this Article.

§ 1811.6 Violations and Penalties.

- (a) Upon finding that a TIMBER HARVESTING operation is in violation of any provision of this Article, the TOWNSHIP shall issue the LOGGING OPERATOR and the Landowner a written notice of violation in accordance with the provisions of this Chapter regarding enforcement notices, describing each violation and specifying a date by which corrective action must be taken.
- (b) The TOWNSHIP may order the immediate suspension of any TIMBER HARVESTING operation and may institute any appropriate action to prevent, restrain, correct or abate the violation of this Article 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 TIMBER HARVESTING plan; or (3) the operation is causing an immediate environmental risk.
- (c) Suspension orders shall be in writing, shall be issued to the LOGGING OPERATOR and the Landowner and shall remain in effect until the TIMBER HARVESTING operation is brought into compliance with this Article or other applicable statutes or regulations.
- (d) Penalties. Penalties for any violation of this Article shall be enforced in accordance with Article XXIII of this Chapter.

§1811.7. Definitions. The following terms are defined as follows for the purposes of this Section 1811:

CONSULTING FORESTER OR STATE FORESTER – A person employed as a forester by the Commonwealth of Pennsylvania’s Department of Conservation and Natural Resources, Bureau of Forestry, or a person listed on said Bureau of Forestry’s Register of Consulting Foresters as being a graduate of a FORESTRY school accredited by the Society of American Foresters and employed full-time as a private FORESTRY consultant.

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.

HARVEST AREA – The location on the site where TIMBER HARVESTING occurs.

LANDING AREA – A designated location on land where the harvested timber, including logs, pulpwood, or firewood, is assembled for transportation off-site to processing facilities.

PERMITEE – Any property owner, or individual, partnership, company, firm, association, or corporation representing a property owner, to whom a Timber Harvesting Permit is issued.

SKIDDING – The process of dragging trees on the ground, by any means necessary, from the HARVEST AREA to the LANDING AREA.

SKID TRAIL – The trail, path, temporary roadway, or any other unencumbered route, utilized by the TIMBER HARVESTING Operator to move felled trees from the HARVEST AREA to the LANDING AREA.

SLASH – The woody debris left on the land after TIMBER HARVESTING, including logs, chunks, bark, branches, uprooted stumps, and broken or uprooted trees or shrubs.

TIMBER HARVESTING or LOGGING – The cutting down and removal of trees and logs to be converted to any forest product or for sale to others or for other purposes. TIMBER HARVESTING shall not include the removal of dead or diseased trees or a homeowner cutting on his own property for his own USE.

TIMBER HARVESTING/LOGGING OPERATOR – Any individual, partnership, company, firm, association or corporation engaged in TIMBER HARVESTING, including agents, subcontractors, and employees thereof.

TOP – The upper portions of a felled tree that is unmarketable because of small size, taper or defect.

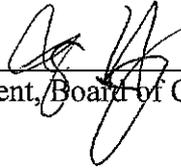
- III. Severability. It is the express intent of the Township of Collier that the provisions of this Ordinance are severable. If any section, subsection, sentence, clause, or phrase of this Ordinance shall be held to be illegal, invalid or unconstitutional, the remaining provisions shall not be affected or impaired.
- IV. Repeal. Any ordinance or any part of any ordinance conflicting with the provisions of this Ordinance is hereby repealed to the extent of such conflict, except to the extent that such ordinance may impose a more restrictive control on development of a steep slope area.
- V. Effective Date. This Ordinance shall be effective immediately as a pending ordinance at the earliest time permitted by law.

ORDAINED AND ENACTED INTO LAW this 9th day of October, 2007.

ATTEST:

TOWNSHIP OF COLLIER

Roberta L. Schmitt
Township Secretary

By: 
President, Board of Commissioners