BUTLER TOWNSHIP, SCHUYLKILL COUNTY
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. 2020-2

AN ORDINANCE OF BUTLER TOWNSHIP, SCHUYLKILL COUNTY, COMMONWEALTH OF PENNSYLVANIA, AMENDING THE FEE CHARGED FOR CONSIDERATION OF A TIMBERING PLAN SUBMITTED PURSUANT TO ORDINANCE 7-19-90 FROM $500.00 (AS SET BY ORDINANCE NO. 9-16-93) TO $1,500.00; AND ALLOWING ANY FUTURE AMENDMENTS TO BE MADE BY RESOLUTION.

WHEREAS, on July 19, 1990, Butler Township enacted Ordinance No. 7-19-90, which regulates forest management and timber harvesting in the Township; and

WHEREAS, Article VI, Section G, sub-section 6 of Ordinance No. 7-19-90 requires a fee of $50.00 to submit a required tree-harvesting plan to the Township for consideration of approval; and

WHEREAS, on September 16, 1993, Butler Township enacted Ordinance No. 9-16-93, which amended the $50.00 plan-submission fee to $500.00; and

WHEREAS, Butler Township faces increasing costs to determine the appropriateness of approval of a tree-harvesting plan under Ordinance 7-19-90, including but not limited to fees charged by a forester for plan review, and fees charged by the Township engineer for inspection costs related to road maintenance due to heavy loads;

NOW, THEREFORE, be it ORDAINED as follows:

Section 1. Plan Fee.

A fee of $1,500.00 shall be charged for consideration of each plan submitted to Butler Township pursuant to the requirements of Butler Township Ordinance No. 7-19-90, to cover the costs of processing the plan, site inspections to be performed, and costs related to the issuance of a decision.

Section 2. Future Amendments.

The fee imposed pursuant to Section 1 of this Ordinance may be amended by Butler Township from time to time by Resolution instead of Ordinance.

Section 3. Repealer.

All prior Butler Township Ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give effect to this Ordinance.

Sections 4. Severability.

If any part or provision of this Ordinance is found by a court of competent jurisdiction to be illegal or unenforceable, the rest and remainder of this Ordinance shall be given full force and effect as if adopted by Butler Township without the part or provision found illegal or unenforceable.

Section 5. Effective Date.

This Ordinance shall be effective immediately upon enactment or on the first day allowed by law thereafter, whichever occurs first.

ENACTED AND ORDAINED this 17 day of March, 2020.

ATTEST

Kate Staudenmeier

BUTLER TOWNSHIP BOARD OF SUPERVISORS

Paul J. Fetterolf

8/2023

TOWNSHIP USE ONLY
Permit #_____
Date Issued ____/____/____
Fees $_____ Ck#_____
_____
Permit Officer

BUTLER TOWNSHIP

Schuylkill County, Pennsylvania
211 Broad St. Ashland, PA 17921
Phone: (570) 875-4137 Enforcement Officer (570) 628-2300

Application for Timber Harvest Permit

All information must be printed and legible for permit acceptance.

General Information:

Property Owner Name(s): _____

Daytime Phone: (_____) _____-_____ Email Address _____

Address: _____ City _____ State _____ Zip_____
(Attach separate sheet in necessary)

Applicant (If other than the owner): _____

Address: _____ City _____ State _____ Zip_____

Daytime Phone: (_____) _____-_____ Email Address _____

Property Address: _____

Tax Parcel ID Number(s) _____

(This information can be found on your Schuylkill County tax bill. Attach separate sheet if necessary)

Harvest Information

Type of Timber Harvest - ☐ Selective ☐ Clear Lot Cutting

Lot Area _____ Area to be harvested _____(Acres or square footage)

Fair Market Value of timber harvested $_____

Estimated Start Date _____ Estimated Completion Date _____

Brief Description of Project:

_____

Timber Harvest Permit Application Check List:

All Timber Harvest Permit Applications shall be filed with Butler Township, located at 211 Broad St. Ashland, PA 17921, either in person or by mail.

☐ All applicable information is included on the application in a legible form.

☐ Attached a copy of the Logging Plan in accordance with the attached regulations of Section VI of Butler Twp. Ordinance 7-19-90

☐ Attached copies of any and all other permits that may be required for the project. (i.e., Township Driveway Permit and/or PennDOT Highway Occupancy Permit)

☐ Check or money order made, payable to Butler Township, for application fee. Application Fee is $1,500.00

☐ Attach signed consent agreements of all landowners of lands to be timbered, if not the applicant.

Signature:

I hereby authorize the designated Butler Township official to investigate, inspect, and examine the Property set forth herein, including land to determine compliance with the Butler Township Timber Harvest (Ord. No. 7-19-90, as amended) and Zoning Ordinances so as to determine the accuracy of the statements contained herein. I am aware that I may not commence any activity associated with this application until a Timber Harvest Permit has been issued by Butler Township.

I have read and fully understand Butler Township Ordinance Number 7-19-90. The Timber Harvest Permit may be revoked if the activities for which it has been issued violates any applicable Township, County, State or Federal law, or regulation, including but not limited to the Butler Township Zoning Ordinance. This Permit may also be revoked if it has been issued in error, or if issuance was based upon any misrepresentations or errors contained in the application or otherwise made by the applicant. **By signing this application, I certify that all facts in the application and all accompanying documentation are true and correct.**

I acknowledge that the holder of a Timber Harvest Permit is responsible to ensure compliance with all applicable Township Ordinances, and at completion of the work authorized by the permit, I acknowledge that the Township requires that a final inspection be performed by the Township, or their authorized agent, before the permit is considered closed and final.

Please be advised that the application fee associated with this application is only for the basic review and issuance of the Timber Harvest Permit and may not be refundable. The applicant will be financially responsible for any additional permits and/or approvals that may be required for the proposed project, such as, but not limited to, Subdivision and/or Land Development, Stormwater Management and Township Consultant's costs.

Signature: _____ Date: _____

(Owner)

Printed Name _____

Signature: _____ Date: _____

(Applicant, if not the owner)

Printed Name _____

BUTLER TOWNSHIP TIMBBER HARVEST REQUIREMENTS

(Butler Township Timber Harvesting Ordinance (Twp. Ord. No. 7-19-90, Section VI. Regulations)

VI. REGULATIONS.

A. A logging plan shall be prepared for each harvesting operation within the Township by a professional forester.

B. Such plan will 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, P.L. 1987 (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).

C. Points that shall be addressed by the logging plan including the following as 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.
   7. Road use.
   8. Road and log landing retirement.
   9. Zoning district of the applicants property as well as adjacent properties.
   10. The general location of the anticipated operation in relation to municipal and state highways.
   11. The location of property boundaries for the tract on which the logging will take place and the boundaries of the proposed harvest area.
   12. A stand prescription for each stand located in the proposed harvest area.

D. The plan required by the rules and regulations referred to in Paragraph VI, B above shall satisfy the requirement of this ordinance if points 9, 10, 11, and 12 under Paragraph VI, C are also addressed.

E. The plan will be available at the timber harvesting site.

F. For all tree harvesting operations that are expected to exceed three (3) acres, the township enforcement officer shall be notified at least three (3) working days before the beginning of the operation and within one (1) day before or after the date of completion.

G. In addition to the notification required in Section VI, F, the following requirements must be met:

   1. A copy of the tree harvesting plan shall be submitted to the Township not less than fifteen (15) days before any operation commences that will exceed three (3) acres.
   2. The plan shall be reviewed by the township enforcement officer, which review may include an inspection of the site of the proposed operation.
   3. Within ten (10) days of the date the township receives a plan, the enforcement officer shall provide the landowner a written approval of the logging plan as submitted, or a written disapproval. A disapproval shall include a list of the additions or corrections that are needed to make the plan approved.
   4. Any landowner or operator aggrieved by the decision of the township enforcement officer may appeal the decision within thirty (30) days to the Township Board of Supervisors.
   5. No harvesting operation expected to exceed three (3) acres or a stand regeneration treatment that exceeds two (2) acres shall commence unless or until an approved tree harvesting plan has been completed.

6. A fee of Fifty ($50.00) Dollars shall be charged for each plan to cover the costs of processing the plan; site inspections to be performed; and costs related to the issuance of a decision. Amended 9/16/93 $500.00, Amended by Ord. No. 2020-2 3/17/20 $1,500.00.

H. The erosion and sediment control and stream crossing requirements addressed in the logging plan shall be followed at all times during the operation.

I. 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 of the Pennsylvania Department of Transportation, whichever is responsible for maintenance of said thoroughfare.

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 along 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.

ORDINANCE NO. 7-19-90

AN ORDINANCE OF THE TOWNSHIP OF BUTLER, SCHUYLKILL COUNTY, PENNSYLVANIA, TO REGULATE TIMBER HARVESTING PRACTICES AND TO ALLOW FOR AND ENCOURAGE PROPER FOREST MANAGEMENT WITHIN THE TOWNSHIP. IT 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, NOR TO REGULATE CHRISTMAS TREE FARM HARVESTING.

BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of Butler, Schuylkill County, Pennsylvania, and it is hereby ORDAINED and ENACTED by it with the authority of the same.

I. PURPOSE.

A. To recognize that forest management and tree harvesting is an important legitimate activity in the forestland of Butler Township, Schuylkill County, Pennsylvania.

B. To provide for the regulation of such activity to ensure:

1. That long-term production of forest crops and benefits is encouraged.

2. That the right to harvest trees is exercised with due regard for the protection of the physical property of adjacent landowners, and

3. That the potential for negative environmental impacts resulting from improper tree harvesting is minimized.

II. INTENT.

It is the intent of this ordinance to regulate timber harvesting practices and to allow for and encourage proper forest management within Butler 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, nor to regulate Christmas tree farm harvesting.

III. 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. Intermittent Stream: A stream whose water flow normally occurs in the wetter parts of the year (October through April) or following major storm events.

C. Landing: A place where logs are assembled for transportation in loads.

D. Logging Plan: A written description with a map of a specific logging operation prepared before the operation commences.

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

F. Operator: The individual, partnership, company, firm, association, or corporation engaged in the harvest of timber including his agents, or subcontractors, or employees.

G. 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 agents or subcontractor or employees.

H. Perennial Stream: A stream whose water flow normally occurs year-round.

I. Professional Forester: A person who has a B.S. or higher degree in forestry from a four-year school of forestry associated with or accredited by the Society of American Foresters.

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

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

L. Standing 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 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.

M. Stand Regeneration Treatment: A selection, shelterwood, seed tree, or clear-cut that is designed to replace the existing stand with a new stand of young trees.

N. Stream: Any channel or conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

O. 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.

P. Tops: The upper portion of a felled tree not merchantable because of small size, taper, or defect.

IV. APPLICABILITY.

The provisions and requirements of this ordinance shall apply to all tree harvesting operations within the Township except that notification and submission of plans shall be required only as outlined in Section VI, F and G.

V. RESPONSIBILITY.

It shall be the responsibility of each landowner 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 responsibility of the landowner to comply with all other applicable ordinances of the Township, including but not limited to, the Butler Township Zoning and Highway Occupancy Ordinances. It shall be the joint responsibility of the landowner and the operator to see that they carry out the provisions of the logging plan.

VI. REGULATIONS.

A. A logging plan shall be prepared for each harvesting operation within the Township by a professional forester.

B. Such plan will 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, P.L. 1987 (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).

C. Points that shall be addressed by the logging plan including the following as 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.

7. Road use.

8. Road and log landing retirement.

9. Zoning district of the applicants property as well as adjacent properties.

10. The general location of the anticipated operation in relation to municipal and state highways.

11. The location of property boundaries for the tract on which the logging will take place and the boundaries of the proposed harvest area.

12. A stand prescription for each stand located in the proposed harvest area.

D. The plan required by the rules and regulations referred to in Paragraph VI, B above shall satisfy the requirement of this ordinance if points 9, 10, 11, and 12 under Paragraph VI, C are also addressed.

E. The plan will be available at the timber harvesting site.

F. For all tree harvesting operations that are expected to exceed three (3) acres, the township enforcement officer shall be notified at least three (3) working days before the beginning of the operation and within one (1) day before or after the date of completion.

G. In addition to the notification required in Section VI, F, the following requirements must be met:

1. A copy of the tree harvesting plan shall be submitted to the Township not less than fifteen (15) days before any operation commences that will exceed three (3) acres.

2. The plan shall be reviewed by the township enforcement officer, which review may include an inspection of the site of the proposed operation.

3. Within ten (10) days of the date the township

receives a plan, the enforcement officer shall provide the landowner a written approval of the logging plan as submitted, or a written disapproval. A disapproval shall include a list of the additions or corrections that are needed to make the plan approved.

4. Any landowner or operator aggrieved by the decision of the township enforcement officer may appeal the decision within thirty (30) days to the Township Board of Supervisors.

5. No harvesting operation expected to exceed three (3) acres or a stand regeneration treatment that exceeds two (2) acres shall commence unless or until an approved tree harvesting plan has been completed.

6. A fee of Fifty ($50.00) Dollars shall be charged for each plan to cover the costs of processing the plan; site inspections to be performed; and costs related to the issuance of a decision. Amended 9/16/93 $50.00

H. The erosion and sediment control and stream crossing requirements addressed in the logging plan shall be followed at all times during the operation.

I. 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 of the Pennsylvania Department of Transportation, whichever is responsible for maintenance of said thoroughfare.

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 along 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.

VII. ENFORCEMENT.

A. The enforcement officer designated by the Township may go upon the site of any tree harvesting operation before, during,

and after the active logging to review plans and other required documents to ensure that such plans and documents are in compliance with the provisions of this ordinance and to ensure that the actual operation is proceeding in compliance with these plans.

B. Any logging operation found to be proceeding without a logging plan as described in this ordinance shall immediately cease operations and shall not resume until a plan is prepared and submitted to the township enforcement officer for his approval.

C. When any operator is found to be violating any provision of this ordinance, the township enforcement officer shall provide the operator with a written statement describing each violation and specifying a date by which corrective action must be taken. Normally, such corrective work shall be completed within seven (7) calendar days of such written notification.

D. When the township enforcement officer finds a condition in a logging operation to be causing an immediate environmental risk, he shall immediately order operations to cease, and contact the Schuylkill County Conservation District and request enforcement of the rules and regulations referred to under Paragraph VI, B of this ordinance.

VIII. PENALTIES.

A. Any landowner or operator who violates any provision of this ordinance is guilty of a summary offense and upon conviction such landowner or operator shall be subject to a fine of not less than Three Hundred ($300.00) Dollars nor more than One Thousand ($1,000.00) Dollars for each separate offense, and, in default of the payment of such fine, a person shall be imprisoned.

B. Any landowner or operator who willfully or negligently violates any provision of this ordinance is guilty of a misdemeanor of the third degree, and upon conviction, shall be subject to a fine or imprisonment as provided for under the law.

C. Each day a continued violation of any provision of this ordinance shall constitute a separate offense.

D. The Township hereby reserves its right to proceed at law or in equity to prevent any landowner or operator from regularly or continuously violating any provisions of this ordinance.

IX. Should any portion of this Ordinance or part thereof be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this ordinance as a whole or any part thereof.

ORDAINED AND ENACTED this 19th day of July, 1990.

Board of Supervisors
of the Township of Butler

Bernard Klusman
Chairman

Joseph Tarrosi
Supervisor

Supervisor

ATTEST:

Patricia A. Wyatt
Secretary

ORDINANCE NO. 9-16-93

TOWNSHIP OF BUTLER

AN ORDINANCE AMENDING ONLY ARTICLE VI, SECTION G(6) OF ORDINANCE NO. 7-19-90 PERTAINING TO TIMBER HARVESTING PRACTICES, BY INCREASING THE FEE TO BE CHARGED FOR EACH PLAN SUBMITTED TO COVER THE COST OF PROCESSING THE PLAN, SITE INSPECTIONS, AND OTHER RELATED COSTS.

BE IT ENACTED AND ORDAINED by the Township of Butler, Schuylkill County, Pennsylvania, and it is hereby enacted and ordained by the authority of same as follows:

SECTION 1. The Ordinance known as the Timber Harvesting Practices and designated as Ordinance No. 7-19-90 as adopted by the Board of Supervisors on July 19, 1990, is amended as hereinafter set forth.

SECTION 2. Article VI, Section G(6) shall hereafter read as follows:

"6. A fee of Five Hundred ($500.00) Dollars shall be charged for each plan to cover the costs of processing the plan; site inspections to be performed; and costs related to the issuance of a decision."

SECTION 3. This Ordinance, as amended, shall become effective immediately.

ENACTED AND ORDAINED this 16th day of September, 1993.

BOARD OF SUPERVISORS
OF BUTLER TOWNSHIP

BY: _____
Chairman

BY: _____
Supervisor

BY: _____
Supervisor

ATTEST:

Patricia A. Wyatt
Secretary