

MUNICIPALITY OF MONROEVILLE
ALLEGHENY COUNTY, PENNSYLVANIA

ORDINANCE NO. 2653

AN ORDINANCE AMENDING ORDINANCE 2529 REGARDING TIMBER HARVESTING REGULATIONS BY AMENDING SECTION 002-1(C)(4) TO NOT REQUIRE CONDITIONAL USE APPROVAL FOR MAJOR TIMBERING OPERATIONS; DELETING IN THEIR ENTIRETY SECTIONS 002-5(A) THROUGH 002-5(E) TO ELIMINATE ADDITIONAL REVIEW REQUIREMENTS; SECTIONS 002-6(A)(2) REQUIRING THE PROVISION OF A BOND AND INSURANCE; SECTION 002-6(A)(4) ESTABLISHING PERMIT DEADLINES; SECTION 002-6(A)(7)(c) REQUIRING ADDITIONAL DRAINAGE FACILITIES; SECTION 002-6(A)(7)(d) RESTRICTION OF TRAFFIC PATTERNS OF TRUCKS AND EQUIPMENT AND SECTION 002-10 REQUIRING A PERFORMANCE BOND; AMENDING SECTION 002-12(A) TO REQUIRE TIMBERING OPERATIONS TO COMPLY WITH THE REGULATIONS OF THE PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION; AMENDING SECTION 002-13(D) TO IMPOSE PENALTIES FOR VIOLATIONS OF THE ORDINANCE; AMENDING SECTION 003-1(A)(2) TO ADDRESS TIMBERING ON LANDSLIDE PRONE SOILS; AND AMENDING SECTIONS 003-1(A)(5)(a) AND 003-1(A)(5)(b) TO ADDRESS BUFFER ZONES.

WHEREAS, Ordinance 2529 is in conflict with certain provisions of the Agriculture, Communities and Rural Environment Act of July 6, 2005, No. 38, 2005 Pa. Laws 112 (hereinafter "ACRE") as they relate to the regulation of timbering activities in the Municipality of Monroeville;

WHEREAS, in order to resolve the conflicts with the provisions of ACRE, it is necessary to amend Ordinance 2529; and

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

Section 1. ADDITIONS, DELETIONS AND CHANGES.

A. Section 002-1(C)(4) of the Ordinance, which currently states:

The Timber Harvesting Permit for a major timbering operation is issued only after review by the municipal engineer, municipal planning commission and approval by the Council of the Municipality of Monroeville as provided for in Section 002-5 of this Ordinance.

is hereby deleted in its entirety and replaced with the following:

The Timber Harvesting Permit for a major timbering operation shall be issued administratively by the zoning officer following the applicant's submittal of a forest plan prepared by a Professional Forester, proof of a written E&S Plan, and, only if required, an E&S Permit issued by the Pennsylvania Department of Environmental Protection.

- B. Sections 002-5(A) through 002-5(E) are deleted in their entirety.
- C. Sections 002-6(A)(2), 002-6(A)(4), 002-6(A)(7)(c) and 002-6(A)(7)(d) are deleted in their entirety.
- D. Section 002-10 is deleted in its entirety.
- E. Section 002-12(A) of the Ordinance, which currently states:

The owner of any property on which a timber harvesting operation has been undertaken shall maintain the site in good condition including all aspects discussed in Article III of this Ordinance or as otherwise a part of the permit requirements and/or conditions.

1. All drainage courses, ditches, culverts, pipes and structures shall be adequately maintained by the property owner and shall be kept open and free flowing at all times.
2. All graded surfaces, erosion and sedimentation (E&S) control devices, drainage structures and similar protective devices, plantings and ground cover installed pursuant to any required permit shall be continuously maintained and kept in good repair by the owner.
3. Adequate provisions shall be incorporated to prevent the infiltration of sediment into existing streams.
4. Where the Municipality finds evidence of any situation which threatens to damage nearby properties, they shall direct the property owner to affect adequate remedies within a reasonable period of time.

is hereby deleted in its entirety and replaced with the following:

The owner and/or operator of the timber harvesting operation shall provide the Municipality with copies of all documentation required

by the Pennsylvania Department of Environmental Protection to be kept on the site during earth disturbance activities.

F. Section 002-13(D) which currently states:

Any person who or which shall violate the provisions of this Ordinance shall upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than five hundred (\$500) dollars. In default of payment of the fine, the members of such corporation shall be liable to imprisonment for not more than ninety (90) days. Each day that a violation is continued shall constitute a separate offense.

is hereby deleted in its entirety and replaced with the following:

Any person who or which shall violate the provisions of this Ordinance shall upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than five hundred (\$500) dollars. If the person neither pays the fine nor timely appeals the conviction, the Municipality may enforce such non-payment pursuant to applicable law. Each day that a violation is continued shall constitute a separate offense.

G. Section 003-1(A)(2) of the Ordinance which currently states:

Timber harvesting operations may not be performed on landslide prone areas out of a concern for destabilizing the earth.

is hereby deleted in its entirety and replaced with the following:

An applicant proposing to engage in timber harvesting on landslide prone soils must provide a forestry plan prepared by a professional forester that describes the best management practices to be employed to ensure stabilization of soils and demonstrates compliance with the Penn State College of Agricultural Sciences publication entitled "Best Management Practices for Pennsylvania Forests".

H. Section 003-1(A)(3) of the Ordinance which currently states:

The clear-cutting or seed-tree cutting methods, or any other method deemed by the Municipality to be similarly intensive, may not be performed on areas with a slope exceeding 4H:1V out of a concern for destabilizing the earth. These methods may also not be performed unless the Forest Management Plan indicates that the method is required to manage the specific species composition of the site.

Timber harvesting on slopes exceeding 4H:1V, or utilizing the clear-cutting or seed-tree cutting methods or any other method deemed by the Municipality to be similarly intensive requires a Major Timber Harvesting Permit in accordance with Section 002-1.C.

is hereby deleted in its entirety and replaced with the following:

The clear-cutting or seed-tree cutting methods, or any other method deemed by the Municipality to be similarly intensive, may not be performed on areas with a slope exceeding 4H:1V out of a concern for destabilizing the earth, unless the applicant can demonstrate that the proposed method employs best management practices to ensure stabilization of the slope and is the method recommended by the professional forester to sustain the forest.

I. Section 003-1(A)(5)(a) which currently states:

Along abutting properties and streets: 25 feet

is hereby deleted in its entirety and replaced with the following:

Along abutting properties and streets: 25 feet, unless a reason for harvesting within the buffer zone exists and is explained in the forestry plan.

J. Section 003-1(A)(5)(b) which currently states:

Around wetlands, vernal pools, lakes, ponds, creeks, streams, or other “Waters of this Commonwealth”, a 150 foot buffer shall exist where neither timber harvesting nor disturbance can take place.

is hereby deleted in its entirety and replaced with the following:

Around wetlands, vernal pools, lakes, ponds, creeks, streams, or other “Waters of this Commonwealth”, an applicant shall provide proof that the buffer distances that are required under the Pennsylvania Department of Environmental Protection’s regulations and those recommended in the Penn State College of Agricultural Sciences publication entitled “Best Management Practices for Pennsylvania Forests” are included in the forestry and E&S plans.

Section 2. Except as specifically and expressly amended herein, Ordinance 2529, as amended, shall remain in full force and effect and shall not be deemed to be in conflict with any of the provisions set forth in this Ordinance.

Section 3. Any ordinance, chapter, section, sub-section, paragraph, sentence, clause, phrase or portion of the Ordinance 2529 conflicting with the provisions set forth in this Ordinance are hereby repealed to the extent of such conflict.

Section 4. If any section, sub-section, paragraph, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

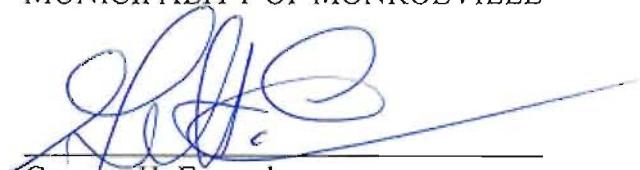
ORDAINED AND ENACTED this 12th day of July, 2016.

ATTEST:

MUNICIPALITY OF MONROEVILLE



Timothy J. Little
Municipal Manager



Gregory H. Erosenko
Mayor

ENTERED INTO LEGAL BOOK: July 22, 2016