

Application No. _____

Permit No. _____

APPLICATION TO HARVEST TIMBER IN UPPER YODER TOWNSHIP

NAME OF PROPERTY OWNER:

ADDRESS:

TELEPHONE NO.

DEED OR PARCEL NUMBER:

TIMBERING CONTRACTOR:

ADDRESS:

CONTACT PERSON:

TELEPHONE NUMBER:

CONTRACT TYPE: WRITTEN () OR ORAL ()

IF WRITTEN ATTACH COPY OF CONTRACT

HARVEST PERIOD:

FROM:

TO:

AGREEMENT PRICE:

TYPE, NUMBER, SIZE OF TREES

SURVEY PLAN:

ATTACH PLATT PLAN OF PROPERTY WITH HARVESTING AREA
MARKED IN RED

ROADWAYS TO BE USED:

IS ROADWAY BONDED:

YES ()

OR

NO ()

ATTACH A STATEMENT DESCRIBING WHAT STEPS WILL BE TAKEN TO RESTORE THE SURFACE
OF THE GROUND FOLLOWING THE REMOVAL OF THE TIMBER AND WHAT STEPS WILL BE TAKEN
TO PREVENT SOIL EROSION AND WATER RUN-OFF PROBLEMS. A RESTORATION PERFORMANCE
BOND MAY BE REQUIRED TO GUARANTEE RESTORATION OF PREEXISTING SURFACE
CONDITIONS.

I, THE APPLICANT, HEREBY CERTIFY THAT ALL FACTS SET FORTH IN THIS APPLICATION ARE TRUE
AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF; AND, I FURTHER UNDERSTAND
THAT ANY FALSE STATEMENTS OR MISREPRESENTATION OF FACTS WILL RESULT IN THE
FILING OF CRIMINAL CHARGES FOR UNSWORN FALSIFICATION TO AUTHORITIES: CRIMES CODE
SECTION 4904. I FURTHER GIVE PERMISSION TO THE PROPER TOWNSHIP AUTHORITY TO
PERIODICALLY INSPECT THE SITE TO CONFIRM COMPLIANCE.

DATE

SIGNATURE OF APPLICANT

TIMBER ORDINANCE FEES

AS ESTABLISHED BY THE BOARD OF SUPERVISORS AT THEIR REORGANIZATION MEETING HELD 1/5/04

APPLICATION FEE: \$300 (INCLUDES FIRST ACRE) PLUS \$50 PER ACRE UP TO 10 ACRES.

ADDITIONAL FEES: EVERY ADDITIONAL ACRE OVER 11 AND UP TO 50 ACRES - \$25.00 PER ACRE.

EVERY ADDITIONAL ACRE OVER 51 ACRES - \$15.00 PER ACRE.

UPPER YODER TOWNSHIP

110 SUNRAY DRIVE, STE. 1

JOHNSTOWN, PA 15905

(814) 255-5243

FAX (814) 255-1805

E-MAIL: uytwp@atlanticbbn.net

TIMBER HARVESTING PERMIT REQUIREMENTS

PERMIT NUMBER:

DATE ISSUED: _____

OWNER:

JOHNSTOWN, PA 1599907-1407

TIMBER CONTRACTOR:

**PROPERTY TO BE
TIMBERED:**

THE FOLLOWING DIRECTIVES MUST BE COMPLIED WITH:

- **LUMBER COMPANY MUST NOTIFY POLICE DEPARTMENT 24 HOURS IN ADVANCE PRIOR TO COMMENCING OPERATIONS (1-814-472-2100-NON-EMERGENCY NUMBER)**
- **LANDING MUST BE MUD FREE AND LAYERED WITH AN AGGREGATE**
- **CONTRACTOR MUST ALSO ASSURE NO MUD OR EARTH WILL REMAIN ON ROADS**
- **NEIGHBORS ADJACENT TO THE SITE MUST HAVE NOTICE OF OPERATIONS**
- **TIMBER HARVESTING PERMIT MUST BE DISPLAYED AT JOB SITE**
- **ADEQUATE SIGNAGE MUST BE MAINTAINED SUCH AS "MEN WORKING" TO NOTIFY MOTORISTS OF OPERATIONS**

RECEIVED BY: _____

DATE: _____

CC: POLICE DEPT./ROAD DEPT.

AN ORDINANCE

NO. 192

AN ORDINANCE AMENDING ORDINANCE NO. 191 TITLED REGULATING PARKING AND LIMITED AND RESTRICTING VEHICULAR TRUCK TRAFFIC ON CERTAIN STREETS AND ROADS, REGULATING THE KIND AND CLASSES OF VEHICULAR TRAFFIC ON CERTAIN STREETS AND ROADS AND PROVIDING PENALTIES FOR VIOLATION.

BE IT ENACTED AND ORDAINED by the Supervisors of Upper Yoder Township, Cambria County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same.

SECTION 1. Section 2. Restricted Streets of Ordinance No. 191 is hereby amended to read as follows:

"Section 2. Restricted Streets

No person shall operate a truck or vehicle of any kind as described in Section 1 herein upon the public highways and streets in Upper Yoder Township, as follows:

Coon Ridge Road -Entire length

Woodmont Road -Entire length

SECTION 2. Any Ordinance or parts thereof in conflict herewith are hereby repealed.

Ordained and enacted this 6th day of November, 1984.

TOWNSHIP OF UPPER YODER

ATTEST:

Andrew J. Atkinson
Secretary

By Donald W. Lewis
President

RICHARD J. GREEN, JR., ESQUIRE
Attorney at Law
305 Franklin Street
Johnstown, PA 15901

AN ORDINANCE

NO. 191

REGULATING PARKING AND LIMITED AND RESTRICTING VEHICULAR TRUCK TRAFFIC ON CERTAIN STREETS AND ROADS. REGULATING THE KIND AND CLASSES OF VEHICULAR TRAFFIC ON CERTAIN STREETS AND ROADS AND PROVIDING PENALTIES FOR VIOLATION.

BE IT ENACTED AND ORDAINED by the Supervisors of Upper Yoder Township, Cambria County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same.

SECTION 1. DEFINITIONS

The word "truck" as used herein is any vehicular device or means of equipment by which persons or property may be transported upon the highways or streets having a gross vehicular weight of over 30,000 pounds.

The word "operation" means the movement of vehicles on the surface of the streets and roads of the Township of Upper Yoder.

The word "posted" or "posting" means that signs will be placed on the roadways and streets warning of the restrictions on the use of the roadways by certain truck traffic.

The words and phrases used in this Ordinance shall have the meanings respectively ascribed to them in the operating section of the Motor Vehicle Code of the Commonwealth of Pennsylvania as supplemented and amended.

SECTION 2. RESTRICTED STREETS

No person shall operate a truck or vehicle of any kind as described in Section 1 herein upon the public highways and streets in Upper Yoder Township, and

follows:

Coon Ridge Road - Entire length

SECTION 3. OTHER STREETS AND HIGHWAYS

The Supervisors of Upper Yoder Township shall, by resolution, designate certain streets and highways other than those herein listed that shall be off-limits to trucks as herein defined.

SECTION 4. AUTHORITY TO POST

The Board of Supervisors hereby declares that it has, as authorized by the Vehicle Code, caused, and may in the future cause official signs to be erected on and along certain public roads and highways of the Township regulating the use of said roads and berms by certain types of vehicles.

From and after the effective date hereof no person shall operate certain type vehicles as heretofore defined on such roads or streets in any manner contrary to the regulations so established, except as hereinafter provided.

SECTION 5. PERMITS AND BONDING

The Board of Supervisors may, upon request in writing by any person or firm for permission to use said roads or streets set forth in Section 2 hereof in excess of the restrictions imposed by Section 1 hereof, grant a permit to said person or firm to use said street or road upon such terms and conditions as deems necessary and upon compliance with the following conditions:

- A. Submission to the Board of Supervisors of a precise narrative statement of the proposed use of said road or street, the number of vehicles to be used, the gross weight of said vehicles, the length of the street or road to be used, the times and days of intended use and the proposed period of time requested.

B. Executing an agreement whereby the user agrees to promptly repair any damage to the street or road including the berm thereof caused by such use, and the posting of a cash or fidelity bond in the amount of Twelve Thousand Five Hundred (\$12,500.00) Dollars per mile or fraction thereof with the Township to cover the cost of repairs should the user fail to keep said road or street properly maintained and repaired.

C. Payment of a permit fee in the amount of Twenty-five (\$25.00) Dollars to the Township to cover the cost of processing and periodic inspection of said street or road.

SECTION 6. EXCEPTIONS

The provisions of this Ordinance shall not apply to trucks making local deliveries to residents and firms located on any public highway or street set forth in Section 2 hereof, nor shall it apply to residents or firms located on said restricted road or street, who own and or operate trucks in excess of the weight restriction set forth in Section 1 hereof, who are required to use said roads or streets for access to their residence or place of business.

SECTION 7. REVOCATION

The Board of Supervisors may revoke any permit so issued upon the failure of the user to faithfully comply with subsection "B" above.

SECTION 8. FINES AND VIOLATIONS

Any person violating any of the provisions of this Ordinance shall, upon conviction, be sentenced to pay a fine of not less than One Hundred (\$100.00) Dollars or more than Two Hundred Fifty (\$250.00) Dollars for each and every separate offense, together with costs of prosecution and in default of the payment of such fine and costs, be sentenced to imprisonment in the county jail for not more than thirty (30) days.

SECTION 9. SEVERABILITY

The provisions of this ordinance shall be severable and if any of its

provisions shall be held to be unconstitutional or illegal, such decisions shall not affect the validity of any of the remaining provisions of this Ordinance.

SECTION 10. AUTHORITY FOR ENACTMENT

This Ordinance is enacted pursuant to the Second Class Township Code and shall take effect according to law.

Ordained and enacted this 5th day of June, 1984.

TOWNSHIP OF UPPER YODER

ATTEST:

By

Paul Terlow

President

Vice-Chairman

Andrew J. Atkinson
Secretary

RICHARD J. GREEN, JR., ESQUIRE
Attorney at Law
305 Franklin Street
Johnstown, PA 15901

Approved,
Richard J. Green, Jr.
Collector

UPPER YODER TOWNSHIP
CAMBRIA COUNTY
PENNSYLVANIA

ORDINANCE NO. 241

AN ORDINANCE OF THE TOWNSHIP OF UPPER YODER, CAMBRIA COUNTY, PENNSYLVANIA, AMENDING IN WHOLE ORDINANCE NO. 190 OF THE SAID TOWNSHIP WHICH REGULATES THE REMOVAL OF TIMBER WITHIN THE TOWNSHIP OF UPPER YODER AND REQUIRES A PERMIT FOR THE SAME; AND PROVIDING FOR PENALTIES FOR ANY VIOLATION THEREOF.

WHEREAS, the Township of Upper Yoder recognizes that forest management and tree harvesting is an important legitimate activity in the forestland of Upper Yoder Township, Cambria County, Pennsylvania; and

WHEREAS, it is necessary to regulate such activity to ensure that long-term production of forest crops and benefits is encouraged; that the right to harvest trees is exercised with due regard for the protection of the physical property of adjacent landowners and roadways; and that the potential for negative environmental impacts resulting from improper tree harvesting is minimized.

NOW, THEREFORE, be it ordained, and it is hereby ordained by the Board of Supervisors of the Township of Upper Yoder, Cambria County, Pennsylvania, that:

I. INTENT

It is the intent of this Ordinance to regulate timber harvesting practices and to allow for and encourage proper forest management within Upper Yoder 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. It is not the intent of this Ordinance to regulate timber harvest for home use, non-commercial timber stand improvement work, or for a land use change.

II. 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. FOREST TECHNICIAN - A person who has a two-year degree in forestry from a two-year school of forestry associated with or accredited by the Society of American Foresters.
- C. INTERMITTENT STREAM - A stream whose water flow normally occurs during the wet season (October through April) or following major storm events.
- D. LAND USE CHANGE - Conversion of forest land to uses such as residential, commercial, industrial, etc., where forest management practices relative to timber production and harvesting are no longer practical.
- E. LANDING - A place where logs are assembled for transportation in loads.
- F. LITTER - Discarded items not naturally occurring on the site (i.e., tires, oil cans, etc.).
- G. LOGGING PLAN - A written description with a map of a specific logging operation prepared before the operation commences.
- H. LOPPING - To cut tops and slash into smaller pieces to allow material to settle close to the ground.
- I. NON-COMMERCIAL TIMBER STAND IMPROVEMENT - A practice in which the quality of the residual forest stand is improved by removing the less desirable trees, vines, and occasionally large shrubs to obtain the preferred stocking of the best quality trees. It can also include such practices as tree pruning. A non-commercial timber stand improvement is involved with the removal of the above-mentioned trees, etc. but does not yield a net income, usually because the trees cut are too small, poor quality, or not marketable.
- J. OPERATOR - The individual, partnership, company, firm, association, or corporation engaged in the harvest of timber including his/her agents or subcontractors or employees.
- K. 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/her agents or subcontractors or employees.
- L. PERENNIAL STREAM - A stream whose water flow normally

occurs year-round.

- M. PERMIT - Written permission, warrant or license granted by a governmental authority.
- N. PROFESSIONAL FORESTER - A person who has a Bachelor of Science or higher degree in forestry from a four-year school of forestry associated with or accredited by the Society of American Foresters.
- O. SKIDDING - Dragging trees on the ground, by any means, from the stump to the landing.
- P. SLASH - Woody material left after logging, including logs, chunks, bark, branches, stumps, and broken understory trees or brush.
- Q. STAND 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 be 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.
- R. STAND REGENERATION TREATMENT - A selection, shelter-wood, seed tree, or clear-cut that is designed to replace the existing stand with a new stand of young trees.
- S. STREAM - Any channel of conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow.
- T. 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.
- U. TOPS - The upper portion of a felled tree not merchantable because of small size, taper or defect.

III. APPLICABILITY

- A. The provisions and requirements of this Ordinance shall apply to all commercial tree harvesting operations within the Township where the number of trees removed exceeds twenty-five (25) twelve (12) inches or more in diameter or where the value of the trees or other timber products removed exceeds One Thousand (\$1,000.00) Dollars.

- B. No person, firm, association or corporation shall commence tree harvesting within the Township of Upper Yoder without first having made proper application and without first having obtained a tree harvesting permit from the Township Enforcement Officer.
- C. Upon receipt of the said application the Township Enforcement Officer shall issue said permit if the logging plan thereto attached conforms in all respects with the Rules and Regulations hereunder. The Enforcement Officer shall have discretion to require the applicant to furnish bond or other sufficient surety for the restoration of surface conditions and to ensure proper storm water management. Deviation from the rules and regulations hereunder may be granted upon comprehensive petition made by the applicant to the Board of Supervisors of the Township.
- D. The application shall be accompanied by a fee payable to the Township of Upper Yoder in the base amount of \$300.00 per timber stand up to one acre in size, and an additional fee of \$50.00 per acre for each additional acre. Permits shall be issued for specific sites and shall expire upon the sixth-month anniversary from the date of issue.

IV. RESPONSIBILITY

It shall be the responsibility of each land owner 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 joint responsibility of the landowner and the operator to see that they carry out the provisions of the logging plan.

V. REGULATIONS

- A. A logging plan shall be prepared for each tree harvesting operation within Upper Yoder Township by a professional forester or forest technician.
- B. Such plan shall 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 (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), Storm Water Management Rules and Regulations issued under Act of 1978, P.L. 864 No. 167, (Storm Water Management Act), as all of the aforementioned may be amended, or any subsequent applicable legislation. Any permits required by state or federal laws and regulations shall be attached to and made a part of the logging plan.

- C. Points that shall be addressed by the logging plan include the following at 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 of items 1 through 5.
 7. Road and log landing retirement.
 8. The general location of the anticipated operation in relation to municipal and state highways.
 9. The location of property boundaries for the tract on which the logging will take place and the boundaries of the proposed harvest area.
 10. A cutting practice or stand prescription for each stand located in the proposed harvest area.
 11. Copies of all required permits shall be submitted as an Appendix to the logging plan.
- D. The plan shall be available at the timber harvesting site.
- E. For all tree harvesting operations that are expected to exceed three (3) acres, the Township Enforcement Officer shall be notified five (5) business days before the beginning and three (3) business days before the end of the operation.
- F. The erosion and sediment control and stream crossing

requirements addressed in the logging plan shall be followed at all times during the operation.

G. 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 or the Pennsylvania Department of Transportation, whichever is responsible for maintenance of said thoroughfare. The landowner and the operator shall be responsible for repairing any damage to Township roads caused by traffic o r p r a c t i c e s associated with the timber harvesting operation to the extent that the damage is in excess of that caused by normal traffic. The Township Enforcement Officer may require the landowner or operator to furnish bond or other sufficient surety to repair such damage. Further, the landowner and operator shall be responsible for maintaining the roadways within the Township free from hazardous conditions as the same may be negatively impacted by traffic obstruction, dust, mud or debris.
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 across 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.

VI. ENFORCEMENT AND PENALTY

- A. The Township of Upper Yoder shall designate and appoint

an Enforcement Officer who shall be delegated the duty

and is hereby vested with the authority to enforce all provisions contained in this Ordinance.

- B. The Township Enforcement Officer may go upon the site of any timber harvesting operation before, during or after active logging to (1) review the logging plan or any other required documents for compliance with this Ordinance, and (2) inspect the operation for compliance with the logging plan and other on-site requirements of these regulations.
- C. Upon finding that a timber harvesting operation is in violation of any provision of this Ordinance, the Township Enforcement Officer shall issue the operator and the landowner a written notice of violation describing each violation and specifying a date by which corrective action must be taken. The Township Enforcement 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 logging plan; or (3) the operation is causing an immediate environmental risk. Suspension orders shall be in writing, shall be issued to the operator and the landowner, and shall remain in effect until, as determined by the Township Enforcement 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 an enforcement officer within thirty (30) days of issuance to the governing body of the Township.
- D. Any landowner or operator who (1) violates any provision of this Ordinance; (2) refuses to allow the Township Enforcement Officer access to a harvest site pursuant to paragraph B of this section, or (3) who fails to comply with a notice of violation or suspension order issued under paragraph C of this section is guilty of a summary offense and upon conviction shall be subject to a fine of not less than One Hundred (\$100.00) Dollars nor more than Three Hundred (\$300.00) Dollars, plus costs, for each separate offense. Each day of continued violation of any provision of this Ordinance shall constitute a separate offense.

If any sentence, clause, section or part of this Ordinance is for any

reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, sentence, section or part thereof not been included herein.

To the extent that any provision of Ordinance No. 190 of the Township of Upper Yoder is inconsistent herewith, the same is hereby repealed.

VIII.

Forestry including, but not limited to, timber harvesting is a permitted use in all districts.

ORDAINED and ENACTED the 1 day of April, 1998.

TOWNSHIP OF UPPER YODER

BY [Signature]
Supervisor

[Signature]
Supervisor

Paul A. Roth
Supervisor

[Signature]
Supervisor

Donna B. Cauffman
Supervisor

ATTEST:

Marilyn Kay Maber
Secretary