

**TOWNSHIP OF HAMPTON  
ALLEGHENY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 816**

**AN ORDINANCE OF THE TOWNSHIP OF HAMPTON,  
ALLEGHENY COUNTY, PENNSYLVANIA,  
IMPLEMENTING TREE PROTECTION AND TIMBER  
HARVEST MANAGEMENT PRACTICES WITHIN THE  
TOWNSHIP OF HAMPTON.**

**WHEREAS**, the Hampton Township Council has determined that there are various reasons, as set forth more fully below, to preserve, protect, replace and properly maintain trees within the Township of Hampton.

**NOW THEREFORE**, be it Ordained and Enacted by the Hampton Township Council, and it is hereby Ordained and Enacted by authority of the same, as follows:

**SECTION 1. PURPOSE.**

A. The purpose of this Ordinance is to preserve, protect, replace and properly maintain trees within the Township of Hampton to aid in the stabilization of soil by the prevention of erosion and sedimentation; reduce stormwater runoff and the costs associated therewith; provide a buffer and screen against noise pollution; provide shade; provide protection against severe weather; aid in the control of drainage and restoration of soil subsequent to construction or grading; conserve and enhance the Township of Hampton's physical and aesthetic environment; promote good forest stewardship; avoid unreasonable and unnecessary restrictions on the right to practice forestry; and generally protect and enhance the quality of life and welfare of the residents of the Township of Hampton.

B. To recognize the important value that woodlands offer to southwestern Pennsylvania, including wildlife, water filtration/regulation, soil retention, wood products, recreation and aesthetics.

C. To ensure the right to harvest trees is exercised with due regard for the protection of the physical property of adjacent landowners.

D. To ensure the Township's citizens right to clean air, pure water is protected, and to conserve the natural, scenic, historic and aesthetic values of the environment as guaranteed by Article I, Section 27, of the Pennsylvania Constitution.

## **SECTION 2. DEFINITIONS.**

**CALIPER** - The diameter of a tree trunk measured in inches, six (6) inches above ground level for trees up to four (4) inches at DBH and twelve (12) inches above ground level for trees over four (4) inches at DBH. Diameter should be measured using a tree caliper, a diameter tape or a Biltmore stick.

**DIAMETER AT BREAST HEIGHT (DBH)** - The diameter of a tree is measured at a height of 4.5 feet above the ground, on the uphill side of the stem, using a tree caliper, a diameter tape or a Biltmore stick.

**DRIPLINE** - The outside edge of the area located directly beneath the canopy of a plant upon which rain is intercepted before it falls to the ground.

**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.

**HAUL ROAD** - A constructed road of dirt and/or gravel utilized for moving cut trees from the point where they are loaded on a truck to exit from the site.

**LANDING** - The place where logs, pulpwood or firewood are assembled for transportation to a processing facility.

**LANDSCAPING** - The design, location, planting and removal of vegetation on a lot by a landowner for the purposes of achieving a desirable appearance.

**LANDOWNER** - The legal or beneficial owner or owners of land.

**LITTER** - Discarded items not naturally occurring on the site.

**PERSONAL USE** - A good, product or resource used for personal consumption and not in a trade or business.

**PRE-COMMERCIAL 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 that does not yield a net income to the landowner.

**SKID ROAD** - An improved road that is used by forestry equipment to transport felled trees to the landing site and can be used by other vehicles.

**SKID TRAIL** - A path travelled by ground skidding equipment while moving trees or logs to a landing.

**SKIDDING** - The dragging of felled trees on the ground from the stump to the landing by any means.

**SLASH** - Woody debris left in the woods after timber harvesting, 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.

**STUMP** - The base part of a tree that remains standing after the tree has been felled.

**THINNING** - The systematic removal of selected trees to improve the health and growth of the residual stand.

**TIMBER HARVESTING OPERATION** - Process of cutting down trees, removing logs from the forest for the primary purpose of sale or commercial processing into wood products.

**TREE** - Any self-supporting woody plant, not less than a two (2) inch caliper.

**TREE MAINTENANCE** - An operation performed on a tree for the removal of any branches, alive, diseased, or dead, in order to prevent or suppress diseases or to balance or shape the tree for any reason.

**TREE PROTECTION ZONE** - An area that is radial to the trunk of a tree in which no construction activity shall occur. The zone shall be at least five (5) feet beyond the dripline of the tree. Where there is a group of trees or woodlands, the zone shall be the aggregate of the protection zones of the trees.

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

**VEGETATION.** Trees, shrubs, ground cover and other plants that stabilize the soil.

### **SECTION 3. EXEMPTIONS.**

- A. The following shall be exempt from this Ordinance:
1. Commercial nurseries and fruit orchards.
  2. Christmas tree farms.
  3. Trees directed to be removed by municipal, county, state or federal authority pursuant to law.
  4. Removal of trees that appear to cause structural damage to buildings or foundations.
  5. Tree maintenance and landscaping on residential and commercial lots.

6. Any tree determined to be causing a danger or be in hazardous condition as a result of a natural event such as tornado, storm, flood or other act of God that endangers the public health, welfare or safety and requires immediate removal.
7. Any tree growing on or over a public right-of-way.
8. Pruning or removal of trees within the right-of-way by utility companies for maintenance of utility wires or pipelines and the pruning of trees within sight easements.
9. Those projects that have received major subdivision or site plan approval prior to the effective date of this Ordinance and amended major subdivision and site plans.

#### **SECTION 4. TIMBER HARVESTING GENERAL REGULATIONS.**

A. When a property owner wishes to conduct, or permit to be conducted, a timber harvesting operation on his or her property, or fell more than thirty (30) trees that measure eight (8) inches or more in DBH on a single parcel, such owner shall obtain a timber harvesting permit from the Township of Hampton.

B. A timber harvesting permit shall not apply to:

1. Work performed on clearing subdivision roads and rights-of-way approved by the Township of Hampton.
2. Work performed in accordance with a land development plan approved by the Township of Hampton.
3. The cutting of trees for the personal use of the landowner or for pre-commercial timber stand improvement on lots less than one acre in size where timber harvested for the foregoing purposes will not leave the site.
4. Where less than thirty (30) trees that measure eight (8) inches or more in DBH are to be felled on a single parcel within any three (3) year period.

C. Hampton Township reserves the right to deny reoccurring timber harvesting when the same is found to inhibit the purpose of this Ordinance. See Section 1.

D. The Township of Hampton shall be notified in writing before any timber harvesting operation begins and terminates. The Township of Hampton shall be notified five (5) business days prior to starting the timber harvest and five (5) business days prior to terminating the operation.

**SECTION 5. SUBMISSION REQUIREMENTS FOR PERMIT APPLICATION FOR  
TIMBER HARVESTING OPERATIONS.**

A. Any timber harvesting operation shall be undertaken in accordance with a Timber Harvesting Plan approved by the Township of Hampton. All Timber Harvesting Plans shall be submitted to the Township of Hampton for review for compliance with the standards for timber harvesting operations set forth herein not less than forty-five (45) days prior to commencement of the timber harvesting operation. Within thirty (30) days of submission to the Township of Hampton, a Timber Harvesting Plan shall be approved, denied or approved subject to reasonable conditions and the Applicant so notified in writing.

B. Any Timber Harvesting Plan submitted to the Township of Hampton for review and approval shall include a plan or plans indicating the following information:

1. Purpose of the proposed operation.
2. Name, address and telephone number of forestry operator.
3. Total land area involved in the proposed timber harvesting operation.
4. Total number of trees selected for harvesting.
5. Erosion and sedimentation plan as approved by the Allegheny Conservation District.
6. Reforestation narrative outlining the revegetation of the land area, skid trails and harvest areas.
7. A chart indicating the quantity of trees and the species of trees selected for harvesting.
8. Site location and boundaries of both the entirety of the property upon which the timber harvesting operation shall occur and the specific area proposed for timber harvesting.
9. The general location of the proposed operation in relation to municipal and state roads and any proposed accesses to those roads.
10. Existing watercourses, floodplains and wetlands.
11. The required fifty-foot (50) buffer along any harvesting area, landing area, public road, watercourse or wetland as specified in Section 7.
12. Topography of the property, including all slopes of 25% or greater.
13. Earth disturbance locations, including skid trails and landing areas.
14. Design, construction, maintenance and retirement of the access system, including haul roads, skid roads, skid trails and landings.

15. Design, construction and maintenance of water control measures and structures.
16. Design, construction and maintenance of proposed stream and wetland crossings.

C. Before any permitted timber harvesting operation begins, all trees that are at least eight (8) inches DBH to be felled in connection therewith shall be clearly marked on the trunk and the stump so that the same may be easily identified both before and after a tree has been felled. No tree or stand of trees shall be felled that has not been designated for removal on the approved Timber Harvesting Plan.

D. Any permits required by any other agency under any applicable regulation shall be the responsibility of the landowner or timber harvesting operator as applicable. Copies of all required permits shall be submitted to the Township of Hampton at least twenty (20) days prior to commencement of the timber harvesting operation.

#### **SECTION 6. PERMIT FEE.**

The landowner shall submit a nonrefundable fee in the amount of Five Hundred (\$500.00) Dollars, or as established from time to time by Resolution, at the time of application.

#### **SECTION 7. TIMBER HARVESTING OPERATION REGULATIONS.**

A. A fifty-foot (50) buffer zone, within which no timber harvesting shall occur, shall be required between the boundary of any timber harvesting area and any public street, road, or watercourse or wetland.

B. Timber harvesting is prohibited within a floodplain and wetlands.

C. Clear-cutting is permitted on slopes of 15% but less than 25% where it is done for the purposes of managing or improving the natural habitat. Clear-cutting is prohibited on areas with slopes of 25% or greater.

D. 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.

E. Felling or skidding on or across any public road or right-of-way is prohibited without the express written consent of the Township of Hampton or the Pennsylvania Department of Transportation, whichever is responsible for maintenance of such public road or right-of-way.

- F. No treetops or slash shall be left:
1. Within fifty (50) feet of any public road, street, adjacent property or private roadway providing access to any adjoining property.
  2. On or across the boundary of any property adjoining the timber harvesting operation without the written consent of the owner thereof.
  3. In a floodplain or wetland.
- G. All tree tops, limbs and slash shall be cut to a height of no more than four (4) feet above ground level.
- H. The stumps of all felled trees shall be permitted to remain for soil stabilization provided that they extend no more than two feet (2') above grade.
- I. Littering is prohibited and litter resulting from a timber harvesting operation shall be removed from the site on a daily basis.
- J. During the periods of abnormal forest fire danger, as determined by the Hampton Township Fire Department, the Township of Hampton shall have the authority to order a suspension of timber harvesting operations until the danger subsides.
- K. The Township of Hampton shall have the authority to order the suspension of any timber harvesting operation if, in the opinion of the Township of Hampton, conditions created by the spring thaw, adverse weather or any other cause makes soil erosion likely.
- L. Upon completion of the timber harvesting operation, all disturbed areas including, but not limited to, the landing areas and skid trails shall be revegetated pursuant to the Timber Harvesting Plan approved by the Township of Hampton.
- M. A timber harvesting operation shall not include any onsite processing of harvested trees or manufacturing except as defined in a Timber Harvesting Plan approved by the Township.
- N. Pursuant to Title 75 of the Pennsylvania Consolidated Statutes, Chapter 49, and Title 67 Pennsylvania Code, Chapter 189, the landowner and the operator shall be responsible for repairing any damage to the Township of Hampton roads caused by traffic associated with the timber harvesting operation, to the extent the damage is in excess of that caused by normal traffic, and shall be required to furnish a bond to guarantee the repair of such potential damages, as determined by the Township with advice from the Municipal Engineer.

**SECTION 8. RIGHT TO INSPECT.**

A. The Township, by its own personnel or outside agent, may enter upon the site of any proposed timber harvesting operation after an application to conduct such operation has been filed for the purpose of reviewing the plans for the proposed operation and thereafter recommending or opposing the proposed operation or recommending or requiring changes or modifications thereto.

B. After a permit for a timber harvesting operation has been issued, the Township of Hampton shall have the right by its own personnel or agent, to enter upon the site before, during and after the timber harvesting operation to ensure and require compliance with both the plans for said operation as finally approved and all of the terms and provisions of this Ordinance.

C. The applicant shall reimburse the Township for any inspection costs. Said fees, costs and escrow accounts shall be established, and amended from time to time, by Resolution of Township Council.

**SECTION 9. VIOLATIONS.**

A. Upon finding that a timber harvesting operation or construction-related tree cutting is in violation of any provision of this Ordinance, the Township of Hampton shall issue the logging operator and/or the landowner a written notice of violation in accordance with the provisions of this Ordinance regarding enforcement notices, describing each violation and specifying a date by which corrective action must be taken.

B. The Township of Hampton 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 Ordinance 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.

C. Suspension orders shall be in writing and shall be issued to the forestry operator and/or the landowner and shall remain in effect until the timber harvesting operation is brought into compliance with this Ordinance or other applicable statutes or regulations.

**SECTION 10. ENFORCEMENT.**

A. This Ordinance shall be enforced in conjunction with and in addition to applicable zoning and land use ordinances. In the event of a conflict, the provisions of the applicable zoning and land use ordinance shall prevail.

B. If any application is submitted in accordance with the Township's zoning and land use ordinances within three (3) years of the date of approval of a timber harvesting permit under this Ordinance, then the application under the applicable zoning and land use ordinance shall be



reviewed as if the property was in the same condition as it were immediately prior to the approval of the timber harvesting permit. This requirement is intended to prevent the use of a timber harvesting permit to circumvent the respective requirements governing the placement and removal of trees in accordance with an application under the Township's zoning and land use ordinances.

**SECTION 11. PENALTIES.**

Any person, firm or corporation who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than Five Hundred (\$500.00) Dollars per day, plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed thirty (30) days. Each violation of any provision of this Ordinance shall constitute a separate offense. In addition, in any civil enforcement action brought by the Township to collect unpaid fines or penalties imposed pursuant to this Ordinance, the Township shall also be entitled to collect all costs, expenses, and attorney's fees associated with such action.

**SECTION 12. REPEALER.**

Section 617 of the Township's Subdivision and Land Development Ordinance, Chapter 280 is hereby specifically repealed.

**SECTION 13. SEVERABILITY.**

That 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 Hampton Township Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

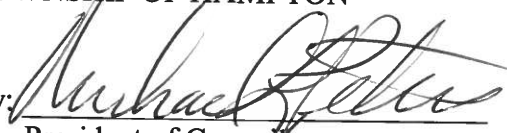
**SECTION 14. EFFECTIVE DATE.**

That this Ordinance shall take effect immediately upon enactment as provided by law.

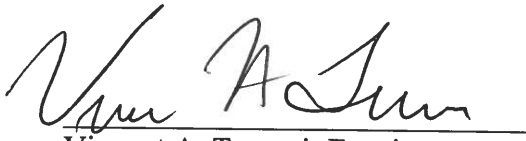
ATTEST:

  
\_\_\_\_\_  
Township Manager

TOWNSHIP OF HAMPTON

By:   
\_\_\_\_\_  
President of Council

APPROVED TO AS TO FORM

A handwritten signature in cursive script, appearing to read "Vincent A. Tucceri". The signature is written in black ink and is positioned above a horizontal line.

Vincent A. Tucceri, Esquire  
Township Solicitor