

**BOROUGH OF BIG BEAVER
BEAVER COUNTY, PENNSYLVANIA
ORDINANCE 249**

**AN ORDINANCE OF BIG BEAVER BOROUGH, BEAVER COUNTY,
PENNSYLVANIA, REPEALING ORDINANCE NO. 242,
KNOWN AS THE "TIMBER HARVESTING ORDINANCE."**

Section 1. Authority

This Ordinance is enacted pursuant to the authority granted to Boroughs under the Pennsylvania Borough Code and the Pennsylvania Municipalities Planning Code (Act 247, as amended).

Section 2. Repeal of Ordinance 242

Ordinance No. 242, Timber Harvesting, is hereby repealed in its entirety. All provisions, requirements, and regulations contained within Ordinance 242 shall be of no further force or effect upon adoption of this Ordinance.

Section 3. Severability


If any section, subsection, sentence, clause, or phrase of this Ordinance is determined to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 4. Effective Date

This Ordinance shall take effect immediately upon enactment.

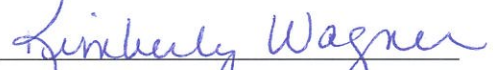
ENACTED AND ORDAINED by the Members of Council of Big Beaver Borough, Beaver County, Pennsylvania, in public meeting this 21st day of April, 2026.

ATTEST:



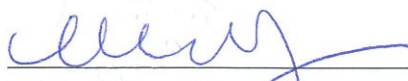
Jennifer Gasser, Secretary

BIG BEAVER BOROUGH COUNCIL



Kimberly Wagner, Council President

Read and approved by me, Michelle Joy, Mayor of the Borough of Big Beaver, this 21st day of April, 2026



Michelle Joy, Mayor

**BOROUGH OF BIG BEAVER
BEAVER COUNTY, PENNSYLVANIA
ORDINANCE 242**

AN ORDINANCE OF THE BOROUGH OF BIG BEAVER, BEAVER COUNTY, PENNSYLVANIA, COMMONWEALTH OF PENNSYLVANIA ESTABLISHING A STANDALONE ORDINANCE FOR REMOVAL OF TIMBER WITHIN THE BOROUGH OF BIG BEAVER AND PROVIDES PENALTIES FOR VIOLATION THEREOF AND AMENDING ORDINANCE 240, RESCINDING ARTICLE 30 TIMBER HARVESTING/LOGGING.

Section 1. Policy; purpose. In order to conserve forested open spaces and the environmental and economic benefits they provide, it is the policy of the municipality of Big Beaver Borough to encourage the owners of forestland to continue to use their land for forestry purposes, including the long-term production of timber, recreation, wildlife, and amenity values. The timber harvesting regulations contained in Section 1 through 11 are intended to further this policy by: 1) promoting good forestry stewardship; 2) protecting the right of adjoining property owners; 3) minimizing the potential for adverse environmental impacts; and 4) avoiding unreasonable and unnecessary restrictions on the right to practice forestry, and improving human health and welfare of the community.

Section 2. Scope; applicability. To encourage maintenance and management of forested and wooded open spaces and promote the conduct of forestry as a sound and economically viable use of forested land throughout the municipality, forestry activities – including timber harvesting- shall be permitted as a use by right with Special Regulations Requirements in all zoning districts. Sections 1 through 11 apply to all timber harvesting within the municipality where the value of the trees, logs, or other timber products removed exceeds \$2,000. These provisions do not apply to the cutting of trees for the personal use of the landowner or for pre-commercial timber stand improvement.

Section 3. Definitions. As used in Sections 1 through 11, the following terms shall have the meanings given in this section:

- a. “Felling” means the act of cutting a standing tree so that it falls to the ground.
- b. “Forestry” means 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. (The definition of forestry is taken from 53 P.S. § 10107 of the Pennsylvania Municipalities Planning Code. Only forests and timberlands subject to residential or commercial development shall be regulated under the municipality’s subdivision and development ordinance-SALDO).
- c. “Landing” means a place where logs, pulpwood, or firewood are assembled for transportation to processing facilities.

- d. "Landowner" means an individual, partnership, company, firm, association, or corporation that is in actual control of forested land, whether such control is based on legal or equitable title or any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner, and any agents thereof acting on their behalf, such as forestry consultants, who set up and administer timber harvesting.
- e. "Litter" means discarded items not naturally occurring on the site, such as tires, oil cans, equipment parts, and other rubbish.
- f. "Lop" means to cut tops and slash into smaller pieces to allow material to settle closer to the ground.
- g. "Operator" means an individual, partnership, company, firm, association, or corporation engaged in timber harvesting, including agents, subcontractors, and employees thereof.
- h. "Pre-commercial timber stand improvement" means a forest practice, such as thinning or pruning, that results in better growth, structure, species composition, or health for the residual stand but does not yield a net income to the landowner, usually because any trees cut are of poor quality, too small, or otherwise of limited marketability or value.
- i. "Skidding" means dragging trees on the ground from the stump to the landing by any means.
- j. "Slash" means woody debris left in the woods after logging, including logs, chunks, barks, branches, uprooted stumps, and broken or uprooted trees or shrubs.
- k. "Stand" means any area of forest vegetation whose site conditions, past history, and current species composition are sufficiently uniform to be managed as a unit.
- l. "Stream" means any natural or artificial channel of conveyance for surface water with an annual or intermittent flow within a defined bed and bank.
- m. "Timber harvesting," "tree harvesting," or "logging" means that part of forestry involving cutting down trees and removing logs from the forest for the primary purpose of sale or commercial processing into wood products.
- n. "Top" means the upper portion of a felled tree that is not merchantable because of small size, taper, or defect.
- o. "Wetland" means "areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances, do support a prevalence of vegetation typically adapted for life in

saturated soil conditions including swamps, marshes, bogs or similar areas.”
(Source: Pennsylvania Code, Chapter 105 Regulations)

Section 4. Notification; preparation of a logging plan.

- a. **Notification of commencement or completion.** For all timber harvesting operations that are expected to exceed 5 acres, the landowner shall notify the municipality enforcement officer at least 30 business days before the operation commences and within 20 business days before the operation is complete. No timber harvesting shall occur until the notice has been provided. Notification shall be in writing and specify the land on which harvesting will occur, the expected size of the harvest area, and, as applicable, the anticipated starting and completion date of the operation.
- b. **Logging plan.** Every landowner on whose land timber harvesting is to occur shall prepare a written logging plan in the form specified in this ordinance. No timber harvesting shall occur until the plan has been prepared and provided to and approved by Big Beaver Borough. The provisions of the plan shall be followed throughout the operation. The plan shall be at the harvest site at all times during the operation and shall be provided to the code enforcement officer upon request.
- c. **Responsibility for compliance.** The landowner and the operator shall be jointly and severally responsible for complying with the terms of the logging plan.

Section 5. Contents of the logging plan.

- a. **Minimum requirements.** At a minimum, the logging plan shall include the following:
 1. Design, construction, maintenance, and retirement of the access system, including haul roads, skid roads, skid trails, and landings;
 2. Design, construction, and maintenance of water control measures and structures, such as culverts, broad-based dips, filter strips, and water bars;
 3. Design, construction, and maintenance of stream and wetlands crossings; and
 4. The general location of the proposed operation in relation to municipal and state highways, including access to those highways.
- b. **Map.** Each logging plan shall include a sketch map or drawing containing the following information:

1. Site location and boundaries, including both the boundaries of the property on which the timber harvest will take place and the boundaries of the proposed harvest area within that property;
 - i. The applicant/landowner should submit a Plan of Survey of the landowner's property prepared by a licensed Professional Land Surveyor. The limits of the proposed timber harvest operation is to be shown on the Plan of Survey drawing.
 - ii. The applicant/landowner should have the property boundary lines visibly marked by a licensed Professional Land Surveyor in the proposed timber harvest area(s).
 - iii. The applicant is to provide written acknowledgement that timber harvest operations can only occur on the applicant/landowner's property (unless written permission is received from adjoining property owner(s) to encroach on adjoining property) in accordance with the provisions of this Timber Harvest Ordinance.
 2. Significant topographical features related to potential environmental problems;
 3. Location of all earth disturbance activities, such as roads, landings, and water control measures and structures;
 4. Location of all crossings of waters of the Commonwealth; and
 5. The general location of the proposed operation to municipal and state highways, including any access to those highways.
- c. **Compliance with state law.** The logging plan shall address and comply with the requirements of all applicable state regulations including, but not limited to, the following:
1. Erosion and sedimentation control regulations contained in Title 25 Pennsylvania Code, Chapter 102 promulgated pursuant to the Clean Streams Law (35 P.S. § 691.1 *et.seq.*); and
 2. Stream crossing and wetlands protection regulations contained in Title 25 Pennsylvania Code, Chapter 105, promulgated pursuant to the Dam Safety and Encroachments Act (32 P.S. § 693.1 *et.seq.*).
- d. **Relationships of state laws, regulations, and permits to the logging plan.** Any permits required by state laws and regulations shall be attached to and become a part of the logging plan. An erosion and sedimentation pollution control plan that satisfies the requirements of Title 25 Pennsylvania Code, Chapter 102, shall also satisfy the requirements for the logging plan and associated map specified in paragraphs (a) and (b) of this section, provided that all information required by these paragraphs is included or attached.

Section 6. Forest practices. The following requirements shall apply to all timber harvesting operations in the municipality:

- a. 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 the thoroughfare;
- b. No tops or slash shall be left within 25 feet of any public thoroughfare or private roadway providing access to the adjoining residential property;
- c. All tops or slash between 25 and 50 feet from a public or private roadway providing access to adjoining residential property or within 50 feet of adjoining residential property shall be lopped to a maximum height of 4 feet above the ground;
- d. No tops or slash shall be left on or across the boundary of any property adjoining the operation without the consent of the owner thereof; and
- e. Litter resulting from a timber harvesting operation shall be removed from the site before it is vacated by the operator.

Section 7. Responsibility to road maintenance and repair; road bonding. Pursuant to Title 75 of the Pennsylvania Consolidated Statutes, Chapter 49, and Title 67 of the Pennsylvania Code, Chapter 189, the landowner and the operator shall be responsible for repairing any damage to municipal roads caused by traffic associated with the timber harvesting operation to the extent the damage is in excess of that caused by normal traffic. The operator may be required to furnish a bond to guarantee the repair of such damage, as outlined in Ordinance 114 Roads and Streets (Excess Maintenance Agreement).

Section 8. Enforcement.

- a. **Code enforcement officer and/or Engineer.** The code enforcement officer and/or Engineer shall administer and enforce Sections 1 through 11 of this ordinance.
- b. **Inspections.** The code enforcement officer and/or Engineer 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 Sections 1 through 11; and (2) inspect the operation for compliance with the logging plan and other on-site requirements of these regulations. Note that active logging sites are inherently dangerous, even when tree felling is not occurring. No one should ever enter an active logging site without the proper personal protective equipment and/or without giving prior notification to the logging supervisor.
- c. **Violation notice; suspensions.** Upon a finding that a timber harvesting operation is in violation of any provision of this ordinance, the code enforcement officer shall

issue the operator and the landowner a written notice of violation describing each violation and specifying a date of not less than 30 days by which corrective action must be taken. The code 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 the notice of violation; or (2) the operation is proceeding without a logging plan; or (3) the operation is causing immediate harm to the environment as confirmed by the local conservation district and the DEP. Suspension orders shall be in writing, issued to both the operator and the landowner, and remain in effect until, as determined by the code enforcement officer, the operation is brought into compliance with this ordinance or other applicable statutes or regulations of the logging plan. The landowner or the operator shall appeal an order or decision of a code enforcement officer within 30 days of issuance to the governing body of the municipality.

- d. **Penalties.** Any landowner or operator who: (1) violates any provision of this ordinance; (2) refuses to allow the code enforcement officer access to a harvest site pursuant to paragraph (b) of this Section; or (3) 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 \$300 plus costs. Each day the violation continues may constitute a separate offense. The enforcement of this ordinance by the municipality shall be by action brought before a district magistrate in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure.

Section 9. Severability

If any chapter, section, subsection, paragraph, sentence, or phrase of this Ordinance is for any reason declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the Ordinance as a whole or any section or part thereof other than the section or part thereof so declared to be invalid.

Section 10. Repealer

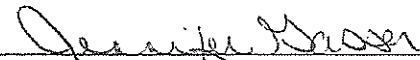
Any ordinance, chapter, section, subsection, paragraph, sentence, or phrase of any Ordinance of the Borough conflicting with the provision of this Ordinance shall and the same is hereby repealed to the extent of such conflict.

Section 11. Effective Date

This ordinance shall be effective upon adoption


ENACTED AND ORDAINED by the Members of Council of Big Beaver Borough, Beaver County, Pennsylvania, in public meeting this 15th day of July, 2025.

ATTEST: BIG BEAVER BOROUGH COUNCIL


Jennifer Gasser, Secretary


Kimberly Wagner, Council President

Read and approved by me, Michelle Joy, Mayor of the Borough of Big Beaver, this 15th day of July, 2025.


Michelle Joy, Mayor