

# FRANKLIN TOWNSHIP

## ORDINANCE NO. 4-96

**AN ORDINANCE REGULATING LOGGING OPERATIONS; THE CONSTRUCTION OF ACCESS ROADS AND LANDING PADS AT LOGGING SITES WITHIN FRANKLIN TOWNSHIP; PROVIDING PERMITS THEREFORE; PROVIDING BONDING REQUIREMENTS FOR THE USE OF TOWNSHIP ROADS AND RIGHTS-OF-WAY; PROVIDING BONDING REQUIREMENTS FOR FAITHFUL PERFORMANCE OF PROVISIONS OF THE ORDINANCE BY THOSE ENGAGED IN LOGGING OPERATIONS; AND PROVIDING PENALTIES FOR VIOLATIONS.**

### DEFINITIONS

Access Road -- A new or improved driveway access and roadway on to a Township right-of-way installed for the purpose of providing ingress and egress from a logging site; or, an existing driveway access and roadway that has been inspected by the Township's Roadmaster or the permit officer of the Department of Transportation and found to be usable for logging truck use.

Landing Pad -- A 20' by 60' pad constructed of stone or similar material as specified herein that begins no closer to the centerline of the road than the Township right-of-way line and on which the logger will conduct all loading operations so the no loading of logs will be done within the Township right-of-way and so that no damage will occur nor any debris remain in the Township right-of-way.

WHEREAS, for the maintenance and protection of all roads and road rights-of-way within Franklin Township, it is necessary that certain precautions be taken by loggers and log hauling trucks and that certain specifications be fulfilled in installing access roads to logging sites;

WHEREAS, it is the intention and desire of the Franklin Township Supervisors to take such action as will reduce or eliminate the damage to all roads and rights of way in Franklin Township caused by mud, debris and surface or pavement damage to said roads and rights-of-way by individuals, partnerships, corporations, associations, institutions, cooperative enterprises or other legal entities including, but not limited to, those engaged in logging operations within or adjacent to roads and rights-of-way of Franklin Township;

WHEREAS, the use of heavy trucks and equipment on all roads in Franklin Township; the carrying of mud, logs and debris from logging sites onto all roads; and the leaving of mud, debris, logs, sticks and stones in the rights-of-way and ditches in Franklin Township, if not properly regulated, creates a safety hazard for vehicular traffic on all roads in Franklin Township and imposes a financial burden upon the Franklin Township taxpayers;

WHEREAS, after careful study and consideration, it is the intent of the Franklin Township Supervisors to enact an Ordinance that will regulate heavy trucks and equipment used in logging operations on all roads and rights-of-way within Franklin Township and which will require any individual or entity intent upon engaging in a logging operation in Franklin Township to construct an access road and landing area that will reduce or eliminate the amount of mud and debris carried onto any road from a logging site and eliminate damage caused by logging operations on rights-of-way within or adjacent to all roads of Franklin Township.

BE IT ENACTED AND ORDAINED by the Supervisors of Franklin Township, Erie County, as follows:

A. It shall be unlawful for any individual, partnership, corporation, association, institution, cooperative enterprise or legal entity to conduct logging operations on any road or road right-of-way within or adjacent to the Township without first complying with all the provisions of this Ordinance and without securing a permit as provided for hereunder.

B. It shall be unlawful for any individual, partnership, corporation, association, institution, cooperative enterprise or legal entity including, but not limited to, those engaged in logging operations to move any trucks, vehicles or heavy equipment onto or off of any road or right-of-way within the Township for the purpose of logging within the Township or where logging operations would have to use roads or road rights-of-ways on boundary line roads without first having constructed an access road and landing area in compliance with the specifications provided for herein; or, without having received permission to use an existing permitted driveway access and roadway from either the Franklin Township Roadmaster or the permit officer of the Pennsylvania Department of Transportation.

C. Any applicant for a Logging Permit must state in the permit application that an access road and landing area for a logging site is needed for a logging operation and must attach a map to its application showing the exact location of the proposed access road on the property owners plot. The applicant logger must complete the driveway permit application form and pay the separate standard driveway permit fee as established from time to time by the Board of Supervisors. This fee is due and payable prior to the installation of the driveway and must be paid even if the driveway will be subsequently removed when the logging operation is complete.

D. Any applicant must state in its permit application the exact road or roads it intends to travel upon in going to or from any logging site and shall further determine the total miles of Township maintained roads to be traversed in one direction for each logging site for which a Logging Permit is sought.

E. The cost of the Logging Permit shall be in accordance with a fee schedule established by the Franklin Township Supervisors.

F. Access roads and landing pads for a logging site shall be constructed by using not less than a twenty (20) foot wide PennDOT approved Type 4 separation fabric or an equivalent fabric as approved by the Franklin Township Roadmaster, which shall be covered by a minimum of twelve (12) inches of very coarse ballast or crushed stone which will provide a foundation for the heavy weight of logging trucks and that will help remove mud and debris from truck tires before trucks enter upon the roadway. At the loggers option and with the permission of the Franklin Township Roadmaster the logger may substitute slab wood for the separation

fabric. If slab wood is substituted it must be installed with no space between the slabs and be continuous from the road ditch through the landing pad. Slabs must be of sufficient thickness to support the heavy vehicle weights and must not be shaky or punky. Should the landing pad be not immediately adjacent to the right-of-way then the access road shall be constructed as herein described from the road ditch to the landing pad unless the landing pad is more than 150 feet from the right-of-way. There shall be no construction requirements for landing pads located 150 feet or more the township right-of-way except that coarse ballast or crushed stone must be used as necessary near the driveway access to the road in order to help remove mud and debris from the truck tires prior to entry upon the roadway.

G. Loggers and logging truck drivers shall take all necessary precautions to remove mud and other debris from truck tires prior to entry upon roadways. Should mud or other debris be deposited upon any roadway within the Township as a result of the logging operation, the logger must take immediately action to remove such mud and debris from the roads. Failure to immediately remove mud and debris from the roadways within the Township shall be consider a violation of this ordinance and shall be subject to the penalties provided for herein.

H. Loggers making application for a Logging Permit under the provisions of this Ordinance shall provide to the Township either the Federal and State Permits granted for logging at the proposed site or written evidence that Federal and State permits are not required.

I. Should the logger be using PennDOT maintained roads within the Township for the access road or for hauling of logs, then the logger as part of the application process shall provide to the Township copies of the driveway permit issued by the permit officer of the Pennsylvania Department of Transportation and the road protection bond issued by the Department of Transportation. If either one or both of these items are not required by the Department of Transportation then a written exemption statement from the permit officer or other Department of Transportation official shall be submitted with the application. If the loggers operations are restricted to access from and hauling on only Pennsylvania Department of Transportation maintained roadways and rights-of-way then a road protection bond shall not be required by Franklin Township.

However, the complete application process shall be completed and a permit fee is still required for issuance of a permit and the logger is required to comply with all other provisions of this Ordinance

J. The Supervisors of Franklin Township shall, for the protection of Township roads and rights-of-way, require that a cash bond or acceptable surety be posted by those engaged in logging operations in the sum of Five Thousand Dollars (\$5,000.00) which shall protect the Township from damage to the right-of-way being used and the road being travelled for the first mile, or part of a mile, and Three Thousand Dollars (\$3000.00) a mile or part of a mile beyond the first mile of Township roads to be traveled upon, all or part of which shall be forfeited to Franklin Township in an amount necessary to repair any Township road or property which is damaged as a result of the moving of trucks and heavy equipment across said Township roads and rights-of-way.

(1) Franklin Township shall notify the logger of the forfeiture, the amount of the forfeiture, and the reason of the forfeiture, as well as any other information that the Township Supervisors would feel to be relevant. Said notice shall be mailed by registered mail to the logger's principal place of business or any office from which said logger conducts business in the State of Pennsylvania. Said logger thereafter shall have ten (10) days in

which to appeal the action of the Township Supervisors. Upon receipt of any such appeal, the Township Supervisors shall conduct a hearing at which time the Township will present evidence documenting the fact that the Township roads or rights-of-way have been damaged as a result of the logger's trucks and heavy equipment moving across said Township roads and the cost incurred by the Township for cleanup due to debris left in the rights-of-way or damage caused to Township ditches caused by the operations of the logger on the Township's rights of way and the cost incurred by the Township in restoring the roads or rights-of-way to its condition prior to said damage. The logger will then have the opportunity to show cause if any there may be as to why the forfeiture should not be set aside in full or in part.

K. The Supervisors of Franklin Township shall require a faithful performance bond in the sum of One Thousand Dollars (\$1,000.00) which bond shall be posted in cash or acceptable surety by the logger with the application and shall insure compliance with all provisions of this Ordinance other than road and right-of-way protection. Should the logger be accessing and hauling only upon rights-of-way and roads maintained by the Pennsylvania Department of Transportation then this shall be the only bond required. All or part of this bond shall be forfeited to Franklin Township in an amount necessary to correct any noncompliance with provisions of this Ordinance.

(1) Franklin Township shall notify the logger of the forfeiture, the amount of the forfeiture, and the reason of the forfeiture, as well as any other information that the Township Supervisors would feel to be relevant. Said notice shall be mailed by registered mail to the logger's principal place of business or any office from which said logger conducts business in the State of Pennsylvania. Said logger thereafter shall have ten (10) days in which to appeal the action of the Township Supervisors. Upon receipt of any such appeal, the Township Supervisors shall conduct a hearing at which time the Township will present evidence documenting noncompliance with provisions of this Ordinance. The logger will then have the opportunity to show cause if any there may be as to why the forfeiture should not be set aside in full or in part.

L. Upon written notification from the applicant to the Township Supervisors that they have completed a particular phase of logging operations, and that vehicles or equipment in excess of a five (5) ton gross vehicle weight will not be used further in the logging operations at the particular logging site, then the Township Supervisors shall cause an inspection of the logging site and access road to be made and if after reasonable investigation, within a period not in excess of ten (10) days from the written request, it appears that no damage has been sustained to the Township road, right-of-way or other property, then the Township Supervisors shall cause the road protection cash bond to be returned to the applicant. Nothing referred to herein shall in any way prohibit the applicant from reapplying for an additional permit for the same logging site or the imposition of a new road protection cash bond in the event that it becomes necessary or desirable for the applicant to perform additional logging operations at said site.

M. Upon written notification from the applicant to the Township Supervisors that they have completed all logging operations, all vehicles and equipment have been removed, all operations have ceased and that all provisions of this Ordinance have been complied with, then the Township Supervisors shall cause an inspection of the logging site and access road to be made and if after reasonable investigation, within a period not in excess of ten (10) days from

the written request, it appears that all provisions of this Ordinance have been complied with, then the Township Supervisors shall cause the faithful performance cash bond to be returned to the applicant. Nothing referred to herein shall in any way prohibit the applicant from reapplying for an additional permit for the same logging site or the imposition of a new faithful performance cash bond in the event that it becomes necessary or desirable for the applicant to perform additional logging operations at said site.

N. Nothing contained herein shall be deemed to prevent the Township from commencing any action at law or equity against any individual or entity in order to recover the full amount of any loss that it may suffer or to seek any other remedy.

O. The Supervisors of Franklin Township may in their discretion, when it is necessary for the protection of the Township roads and rights-of-way, prohibit the construction of access roads within the Township or prohibit the use of heavy hauling equipment on Township roads and rights-of-way during the period of spring thaw (approximately from March 1st to May 31).

P. Any person violating this Ordinance or the rules, regulations or standards hereunder shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of Three Hundred Dollars (\$300.00) and costs, and, in default of the payment of such fine and costs, shall undergo imprisonment for not more than thirty (30) days.


(1.) Violations on separate days shall be considered separate and distinct offenses under Section P of this Ordinance.

ENACTED AND ORDAINED into an Ordinance this 28 day of MARCH, 1996 by the Supervisors of Franklin Township of Erie County in Lawful Session duly assembled.

**FRANKLIN TOWNSHIP  
BOARD OF SUPERVISORS**

By:   
Denver L. Ireland

By:   
John J. Sachar

By:   
David G. Henderson

I hereby certify that the above Ordinance No. 4-96 was duly enacted at a meeting of the Supervisors of Franklin Township on the 28 day of MARCH, 1996.

  
Bonnie J. Bernhardt, Secretary

**FRANKLIN TOWNSHIP**  
**ORDINANCE NO. 5-96**  
**AMENDMENT TO ORDINANCE NO. 4-96**

**AN ORDINANCE AMENDING BONDING REQUIREMENTS FOR LOGGING OPERATIONS WHEN UTILIZING PAVED TOWNSHIP ROADS.**

Paragraph J. is hereby amended to read:

J. The Supervisors of Franklin Township shall, for the protection of Township roads and rights-of-way, require that a cash bond or acceptable surety be posted by those engaged in logging operations:

a. For unpaved roads in the sum of Five Thousand Dollars (\$5,000.00) which shall protect the Township from damage to the right-of-way being used and the road being travelled for the first mile, or part of a mile, and Three Thousand Dollars (\$3000.00) a mile or part of a mile beyond the first mile of Township roads to be traveled upon, all or part of which shall be forfeited to Franklin Township in an amount necessary to repair any Township road or property which is damaged as a result of the moving of trucks and heavy equipment across said Township roads and rights-of-way.

b. For paved roads in the sum of Fifteen Thousand Dollars (\$15,000.00) which shall protect the Township from damage to the right-of-way being used and the road being travelled for the each mile, or part of a mile, all or part of which shall be forfeited to Franklin Township in an amount necessary to repair any Township road or property which is damaged as a result of the moving of trucks and heavy equipment across said Township roads and rights-of-way.

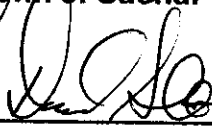
(1) Franklin Township shall notify the logger of the forfeiture, the amount of the forfeiture, and the reason of the forfeiture, as well as any other information that the Township Supervisors would feel to be relevant. Said notice shall be mailed by registered mail to the logger's principal place of business or any office from which said logger conducts business in the State of Pennsylvania. Said logger thereafter shall have ten (10) days in which to appeal the action of the Township Supervisors. Upon receipt of any such appeal, the Township Supervisors shall conduct a hearing at which time the Township will present evidence documenting the fact that the Township roads or rights-of-way have been damaged as a result of the logger's trucks and heavy equipment moving across said Township roads and the cost incurred by the Township for cleanup due to debris left in the rights-of-way or damage caused to Township ditches caused by the operations of the logger on the Township's rights of way and the cost incurred by the Township in restoring the roads or rights-of-way to its condition prior to said damage. The logger will then have the opportunity to show cause if any there may be as to why the forfeiture should not be set aside in full or in part.

ENACTED AND ORDAINED into an Ordinance this 25 day of APRIL, 1996 by the Supervisors of Franklin Township of Erie County in Lawful Session duly assembled.

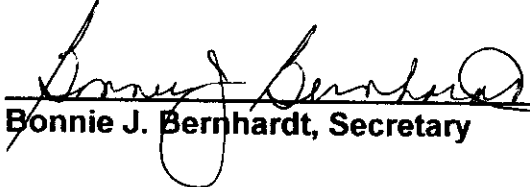
**FRANKLIN TOWNSHIP  
BOARD OF SUPERVISORS**

By:   
Denver L Ireland

By:   
John J. Sachar

By:   
David G. Henderson

I hereby certify that the above Ordinance No. 5-96 was duly enacted at a meeting of the Supervisors of Franklin Township on the 25 day of APRIL, 1996.

  
Bonnie J. Bernhardt, Secretary