

**TOWNSHIP OF UPPER SAUCON
LEHIGH COUNTY, PENNSYLVANIA**

ORDINANCE NO. 141- R

AN ORDINANCE AMENDING THE UPPER SAUCON TOWNSHIP ZONING ORDINANCE OF 2009, AS AMENDED, TO REVISE REGULATIONS RELATING TO FORESTRY USES BY ELIMINATING THE MANDATORY PARTICIPATION IN A FOREST STEWARDSHIP PLAN AS REQUIRED BY SECTION 517.B.1.C AND SUBSTITUTING THEREFORE A RECOMMENDATION FOR VOLUNTARY PARTICIPATION IN, AND SUBMISSION OF, A FORESTRY STEWARDSHIP PLAN; AND FURTHER BY ELIMINATING MANDATORY “NO TIMBER HARVESTING BUFFER ZONES” AS REQUIRED BY SECTION 517.D.1.J AND SUBSTITUTING THEREFORE A REQUIREMENT OF COMPLIANCE WITH AN APPROVED E & S PLAN AS WELL AS ALL PERMITS ISSUED IN ACCORDANCE WITH APPLICABLE LAW, WHILE ENCOURAGING ADHERENCE TO CERTAIN SETBACKS

SECTION 1: STATEMENT OF LEGISLATIVE FINDINGS

WHEREAS, on June 9, 2009, the Board of Supervisors of Upper Saucon Township (hereinafter, “Supervisors”) enacted a comprehensive amendment to the Upper Saucon Township Zoning Ordinance; and

WHEREAS, the Supervisors have, from time to time, amended the Zoning Ordinance to, among other things, ensure compliance with applicable law; and

WHEREAS, the Township is in receipt of correspondence from the Office of the Attorney General of the Commonwealth of Pennsylvania advising that it considers the mandatory requirements of Section 517.B.1.C (relating to participation in a forest stewardship plan) and 517.D.1.J (relating to mandatory buffer zones) all as relate to Forestry Uses are in conflict with Pennsylvania law; and

WHEREAS, the Supervisors agree that Sections 517.B.1.C and D.1.J should be revised; and

WHEREAS, the Supervisors find that these Sections should be modified to eliminate the mandatory aspects thereof and substitute therefore voluntary compliance; and

WHEREAS, the Supervisors desire to amend these Sections accordingly.

NOW, THEREFORE, the Board of Supervisors of Upper Saucon Township does hereby enact and ordain the following amendments to the Upper Saucon Township Zoning Ordinance of 2009, as amended.

SECTION 2: ZONING ORDINANCE TEXT AMENDMENTS

1. Section 517, titled “Forestry Uses,” is amended as follows:

(a) Section 517.B.1.C, relating to “Required Approval of a Forest Stewardship Plan” is deleted in its entirety and the following is substituted therefore:

“C. Voluntary Participation in a Forest Stewardship Plan- The Township recommends participation in the Forest Stewardship Program under the guidance of DCNR. Where a landowner has opted to prepare a Forest Stewardship Plan as part of its voluntary participation in this program, a copy of such plan should be submitted with the Timber Harvesting Plan.”

(b) Section 517.D.1.J, relating to “**REQUIRED FOREST PRACTICES**” is deleted in its entirety and the following is substituted therefore:

“J. All timber harvesting activity shall take place in compliance with the required E & S Plan as well as any other permits issued under the provisions of Title 25, Pennsylvania Code, Chapters 102 and 105, as the same may be amended from time to time. Copies of the E & S Plan and any required permits shall be submitted to the Township. Additionally, the Township encourages, but does not mandate, that the following setbacks be considered during preparation of the timber harvest plan in order to protect certain existing features.

BUFFER AREAS	
FEATURE	SETBACK
Adjoining street except as noted below for scenic roads	50 feet
Scenic roads as listed in Section 320 of this Ordinance	100 feet
Adjoining property	50 feet
Streams or other watercourse	25 feet
Designated trails	25 feet
Springs, vernal ponds, seeps, natural or artificial swale or drainage ditches	25 feet

SECTION 3: PROTANTO REPEAL

Unless otherwise specifically stated in this Ordinance, all ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 4: EFFECTIVE DATE

This Ordinance shall become effective five (5) days after enactment by the Board of Supervisors of Upper Saucon Township.

SECTION 5: SAVINGS CLAUSE

To the extent that any word, portion or provision of the text hereof is found by any court of competent jurisdiction to be invalid or void on constitutional or other grounds, such word, phrase, portion or provision shall, if possible, be deemed to be repealed and those remaining valid portions of the text shall remain in full force and effect if same can be accomplished without the structure of the Ordinance having been destroyed by the elimination of that word, phrase, portion or provision found to be invalid or void.

DULY ENACTED AND ORDAINED this 13th day of July, 2020, by the Board of Supervisors of the Township of Upper Saucon, Lehigh County, Pennsylvania, in lawful session duly assembled.

**TOWNSHIP OF UPPER SAUCON
BOARD OF SUPERVISORS**



CHAIRMAN



VICE CHAIRMAN



SUPERVISOR



SUPERVISOR



SUPERVISOR

ATTEST:



SECRETARY