

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

**ORDINANCE NO. 141- X**

**AN ORDINANCE AMENDING THE UPPER SAUCON TOWNSHIP ZONING ORDINANCE OF 2009 TO DELETE IN ITS ENTIRETY SECTION 517 RELATING TO “FORESTRY USES” AND SUBSTITUE THEREFORE A NEW SET OF REGULATIONS BASED UPON THE PENNSYLVANIA STATE UNIVERSITY MODEL ORDINANCE INCLUDING REGULATIONS RELATING TO ENFORCEMENT; TO AMEND ARTICLE 2 “ZONE PROVISIONS” TO DELETE SECTIONS 200.J, 201.K, 210.G, AND 211.F IN THEIR ENTIRETY AND SUBSTITUTE THEREFORE IN EACH SECTION NEW REGULATIONS REQUIRING A TIMBER HARVESTING PLAN SO AS TO CONFORM TO AMENDMENTS TO SECTION 517; TO ADD TO ARTICLE 4 “SPECIC CRITERIA” A NEW SECTION 494 TO ESTABLISH SPECIFIC CRITERIA FOR ELECTRIC VEHICLE CHARGING STATIONS AS AN ACCESSORY USE TO NON-RESIDENTIAL PRINCIPAL USES AND TO ADD REGULATIONS RELATING TO THEIR ESTABLISHMENT AND OPERATION; AND TO AMEND SECTION 113 RELATING TO “DEFINITIONS” TO ADD NEW DEFINITIONS RELATING TO FORESTRY AND ELECTRIC VEHICLE CHARGING STATIONS.**

**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, which amendment is known as Ordinance No. 141 (hereinafter, “Zoning Ordinance”); and

**WHEREAS**, the Zoning Ordinance has been amended from time-to-time; and

**WHEREAS**, Article 5 of the Zoning Ordinance provides for regulations relating to “Environmental Protection” and includes specific regulations relating to forestry uses at Section 517; and

**WHEREAS**, over the years, the Township has revised this Section to address issues raised by the Pennsylvania Office of the Attorney General (hereinafter, “OAG”) and persons desiring to conduct logging and other forestry uses in the Township; and

**WHEREAS**, the Pennsylvania State University School of Forest Resources (hereinafter, “PSU”) has developed a model ordinance which conforms to the Pennsylvania Municipalities Planning Code (hereinafter, “MPC”); and

**WHEREAS**, the PSU model ordinance has been revised over the years to reflect decisions by the OAG made in the context of the Pennsylvania Agriculture, Communities, and Rural Environment Act (hereinafter, “ACRE”); and

**WHEREAS**, the Supervisors find that it is in the best interest of the Township to adopt the provisions of the PSU Model Ordinance to ensure compliance with applicable law; provide the

maximum, lawful degree of protection afforded by the law; and provide for certainty and efficiency in the application of the Township forestry regulations; and

**WHEREAS**, the Supervisors find that the adoption of the PSU model ordinance provisions is consistent with the public health, safety and general welfare; and

**WHEREAS**, Article 4 of the Zoning Ordinance provides special criteria for specified uses; and

**WHEREAS**, the Supervisors have determined that the significant increase in the use of electric vehicles requires that specific criteria be developed for electric vehicle charging stations which do not serve single family residential dwellings (hereinafter, "EVCS"); and

**WHEREAS**, the Supervisors desire to amend Article 4 to provide regulations for the installation and use of EVSC as an accessory use to certain principal land uses;

**WHEREAS**, the Supervisors desire to amend the Zoning Ordinance consistent with the afore-stated findings and goals.

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

**SECTION 2: ZONING ORDINANCE TEXT AMENDMENT**

1. Article 5, titled "Environmental Protection," is hereby amended to delete Section 517, titled "Forestry Uses," in its entirety and substitute the following therefore:

**"Section 517 Forestry Uses**

**517.A Scope; Applicability**

In accordance with State Law, forestry (as defined herein) is permitted by right in every Zone. To encourage maintenance and management of forested or wooded open spaces and promote the conduct of forestry as a sound and economically viable use of forested land throughout the municipality, these sections shall apply to all forestry activities, including timber harvesting, within the municipality where the value of the trees, logs, or other timber products removed exceeds \$2,000.00.

**517.B Notification; Preparation of Timber Harvesting Plan**

1. Notification of Commencement or Completion

For all timber harvesting operations, the landowner shall notify the zoning officer at least two (2) business days before the operation commences and at least two (2) business days prior to the operation being complete.

## 2. Timber Harvesting Plan

Every landowner on whose land timber harvesting is to occur shall prepare a written timber harvesting plan and associated site plan in accordance with Section 517.D. No timber harvesting shall occur until the plan has been prepared and provided to the zoning officer. The provisions of the Plan shall be followed throughout the operation. The plan shall be available at the harvesting site at all times during the operation and shall be provided to the zoning officer upon request.

## 3. Responsibility for Compliance

The landowner and the operator shall be jointly and severally responsible for complying with the terms of the timber harvest plan.

### **517.C Contents of Timber Harvesting Plan**

#### 1. Minimum Requirements

At a minimum, the timber harvesting plan shall include the following:

- a. Design, construction, maintenance, and retirement of the access system, including haul roads, skid roads, skid trails, and landings;
- b. Design, construction, and maintenance of water control measures and structures, such as culverts, broad-based dips, filter strips, and water bars;
- c. Design, construction and maintenance of stream and wetland crossings;  
and
- d. The general location of the proposed operation in relation to municipal and state highways, including any accesses to those highways.

#### 2. Site Plan

Each timber harvesting plan shall include a legible, scaled drawing including the following information:

- a. Site location and boundaries, including both the boundaries of the property on which the timber harvesting will take place and the boundaries of the proposed harvest area within that property;
- b. Significant topographic features related to potential environmental problems and all of the natural and cultural features identified in Article 5 of this Ordinance;

- c. Location of all earth disturbance activities, such as roads, landings, and water control measures and structures; and
- d. Location of all crossings of waters of the Commonwealth.

### 3. Compliance with State Law

The timber harvesting plan shall address and comply with the requirements of all applicable state regulations including, but not limited to, the following:

- a. 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.);
- b. Stream crossing and wetlands protection regulations contained in Title 25 Pennsylvania Code, Chapter 105, promulgated pursuant to the Dam Safety and Encroachment Act (32 P.S. § 693.1 et seq.); and
- c. Any permits required by state laws and regulations shall be attached to and become part of the timber harvesting 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 timber harvest plan and associated site plan specified in Sections 317.D.1 and 2 above, provided that all information required by these sections is included or attached.

## **517.D Required Forest Practices**

### 1. Minimum Requirements

The following requirements shall apply to all timber harvesting operations:

- a. Felling or skidding on or across any public thoroughfare is prohibited without the express written consent of the Township or the Pennsylvania Department of Transportation, whichever is responsible for maintenance of the thoroughfare;
- b. No tops or slash shall be left within twenty-five (25) feet of any public thoroughfare or private roadway providing access to adjoining residential property;
- c. All tops and slash between twenty-five (25) and fifty (50) feet from a public or private roadway providing access to adjoining residential

property or within fifty (50) feet of adjoining residential property shall be lopped to a maximum height of four (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.

**517.E Responsibility for Road Maintenance and Repair; Bonding**

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 Township 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 damages.

**517.F Enforcement**

1. Township Right to Inspect

The Township may, by its own personnel or outside agent, go upon the site of any timber harvesting operation before, during, or after active logging to review the timber harvest plan or any other required documents and inspect the operation for compliance with the timber harvest plan and other on-site requirements of these regulations.

2. Violation Notices; Suspensions

Upon finding that a timber harvesting operation is in violation of any provision of this ordinance, the zoning officer shall issue the operator and the landowner a written notice of violation describing each violation and specifying a date of not less than thirty (30) days by which corrective action must be taken. The zoning officer may order the immediate suspension of any operation upon finding that:

- a. Corrective action has not been taken by the date specified in a notice of violation;
- b. The operation is proceeding without a timber harvest plan; or
- c. The operation is causing immediate harm to the environment as confirmed by the local conservation district and DEP.

Suspension orders shall be in writing, issued to both the operator and the landowner, and remain in effect until, as determined by the zoning officer, the operation is brought into compliance with this ordinance or other applicable statutes or regulations of the timber harvest plan.”

2. Article 1, Section 113, titled “SPECIFIC WORDS AND PHRASES,” is amended to add the following definitions:

“**Litter.** Discarded items not naturally occurring on the site, such as tires, oil cans, equipment parts, and other rubbish.”

“**Operator.** An individual, partnership, company, firm, association, or corporation engaged in timber harvesting, including the agents, subcontractors, and employees thereof.”

“**Slash.** Woody debris left in the woods after a timber harvest including logs, chunks, bark, branches, uprooted stumps, and broken or uprooted trees and shrubs.”

“**Timber Harvesting, Tree Harvesting, or Logging.** 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.”

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

3. Article 2, “Zone Provisions,” Section 200.J, relating to the South Mountain Conservation Zone and titled “REQUIRED CONSERVATION PLAN,” is deleted in its entirety and the following is substituted therefor:

“**REQUIRED TIMBER HARVESTING PLAN** – Any forestry-related uses which involve earthmoving activities or the commercial harvesting or timbering of vegetation shall require the submission of a Timber Harvesting Plan. All on-site activities shall then be in compliance with the approved Timber Harvesting Plan.”

4. Article 2, “Zone Provisions,” Section 201.K, relating to the Agricultural Preservation Zone and titled “REQUIRED CONSERVATION PLAN,” is deleted in its entirety and the following is substituted therefor:

“**REQUIRED TIMBER HARVESTING PLAN** – Any forestry-related uses which involve earthmoving activities or the commercial harvesting or timbering of vegetation shall require the acquisition of an approved Timber Harvesting Plan. All on-site activities shall then be in compliance with the approved Timber Harvesting Plan.”

5. Article 2, "Zone Provisions," Section 210.G, relating to the Open Space Residential Zone and titled "REQUIRED CONSERVATION PLAN," is deleted in its entirety and the following is substituted therefor:

**"REQUIRED TIMBER HARVESTING PLAN** – Any forestry-related uses which involve earthmoving activities or the commercial harvesting or timbering of vegetation shall require the acquisition of an approved Timber Harvesting Plan. All on-site activities shall then be in compliance with the approved Timber Harvesting Plan."

6. Article 2, "Zone Provisions," Section 211.F, relating to the Rural Residential Zone and titled "REQUIRED CONSERVATION PLAN," is deleted in its entirety and the following is substituted therefor:

**"REQUIRED TIMBER HARVESTING PLAN** – Any forestry-related uses which involve earthmoving activities or the commercial harvesting or timbering of vegetation shall require the acquisition of an approved Timber Harvesting Plan. All on-site activities shall then be in compliance with the approved Timber Harvesting Plan."

7. Article 4, "Specific Criteria," is amended to add a new Section 494, relating to electrical vehicle charging stations as follows:

#### **"494. Electric Vehicle Charging Stations**

##### **494.A Purpose**

The purpose of this Section is to facilitate and accommodate the use of EVs and to expedite the establishment of convenient and cost-effective electric vehicle infrastructure.

##### **484.B Districts**

1. An EVCS shall be deemed a permitted accessory use serving another principal use, such as an office park, industrial park, institutional use, shopping center, or retail sales establishment, in the Commercial, Industrial, or Enterprise Zones where the principal use includes an existing parking lot, which parking lot serves an existing non-residential principal use.
2. An EVC shall also be deemed a permitted accessory use on residential sites with multi-family residential development and to a clubhouse or community building associated with any types of residential units governed by a home owners' association (HOA) or similar organization subject to the criteria below.
3. Nothing set forth in this Section shall exempt an EVCS from compliance with electrical or other permit obligations.

#### **494.C Applicability**

1. This Section shall apply to all electric vehicle infrastructure installed, constructed, or modified after the effective date of this Ordinance No. 141-X.
2. Electric vehicle infrastructure in place prior to the effective date of this Ordinance 141-X shall not be required to meet the requirements of this Section unless substantial modification to the infrastructure is proposed. Modification to more than 50% of the existing infrastructure shall be deemed substantial.
3. All electric vehicle infrastructure shall be designed, built, and installed in accordance with all applicable local, state, and federal laws, codes, regulations, and standards.
4. An EV Space and EVCS serving a single-family residential lot are exempt from the requirements of this Section.

#### **494.D General Requirements**

##### 1. Location

EV Infrastructure shall not be located in:

- a. Required loading areas;
- b. Areas required to be landscaped;
- c. Any area that will adversely affect vehicular or pedestrian traffic circulation or visibility; or
- d. Fire or other access lanes.

##### 2. Impact on Parking Requirements

EV Infrastructure shall not reduce the number of residential parking spaces required based on the unit count of any residential development.

##### 3. EVCS Design and Equipment Standards.

An EVCS and its related equipment shall meet all of the following standards:



- a. EVSC Equipment mounted on pedestals, light posts, bollards, or other devices shall have a minimum of twenty-four (24) inches clearance from the face of a curb, curb stop, or the edge of the parking space if no curb.
- b. The height of EVSC outlets and connector devices shall be no less than thirty-six (36) inches and no higher than forty-eight (48) inches from the top of the surface where mounted and shall be designed and located so as not to adversely impact pedestrian travel or create trip hazards.
- c. Where an EV parking space is located perpendicular or at an angle to the curb face or edge of the parking space and the charging equipment; adequate protection in the form of wheel stops or concrete-filled steel bollards shall be installed.
- d. An EVCS and its related equipment shall be maintained in all respects, so as to ensure the safe and effective functioning thereof. A phone number or other contact information shall be conspicuously posted on the EVSC for reporting operational, maintenance, or other equipment related matters.

#### 4. Signage.

- a. Every EV Space shall be clearly identified by appropriate signage so as to allow only actively charging EVs to park in such spaces. Such signage shall be distinguishable from other signs identifying restricted parking such as handicap spaces.
- b. Signage shall include at a minimum the following information:
  - (1) Voltage and amperage levels;
  - (2) Fees, or safety information;
  - (3) Restrictions related to use;
  - (4) Property or equipment owner identification for enforcement or other reporting issues as specified in 494.D.3.d, above; and
  - (5) Directional information, if necessary, to effectively guide motorists to the EV space(s).
- c. Except as set forth in subsection 4.b, above, signs promoting or advertising the EVCS owner or operator shall not be permitted on the EVSC or related equipment or on the parking lot.

d. Small directional signs not exceeding 2 sq. ft. in size and located no closer than 5 feet to any lot line shall be permitted.

e. Signage should be consistent with MUTCD standards.

## 5. Lighting

The EVCS area shall be lit in accordance with the lighting standards set forth in Section 310. No additional site lighting shall be required if the principal use of the parcel is compliant with the existing lighting standards for that use, and the EVCS will not be operational after normal business hours.

## 6. Operation

a. The EVCS shall be operational during the normal business hours of the principal use of the property on which it is located. An EVCS may be de-energized or otherwise restricted after normal business hours.

b. Time limits may be placed on the amount of time that an EV is permitted to charge so as to prohibit indefinite charging or use of the EV Space.

c. The property owner or operator may collect a service fee for the use of an EVCS.

## 7. Number

The number of EV Spaces that may be permitted as an accessory use may vary based upon factors including, but not limited to, size of the parking lot, size of the principal structure(s), type(s) of principal use(s) served, and visibility from off-site; however as an accessory use, the number of EV Spaces shall not exceed a maximum of 20, or 10% of the total required parking spaces for the existing, non-residential principal use, whichever is less.

## 8. Accessibility

It is strongly encouraged, but not required, that a minimum of one AEVCS be provided. If provided, the AEVCS shall be located in close proximity to the entrance of the principal use of the site and connected to the site by an ADA compliant route. An AEVCS should be appropriately signed for, but need not be restricted to, accessible use.

## 9. Restrictions

All restrictions on the use of an EV Space shall be identified and enforced by the property owner, the operator of the EVCS, or their respective agents. Restrictions may include:

- a. No non-electric vehicle should be stopped or parked in a designated EV Space;
- b. An EV parked in a designated EV Space should be actively charging; and
- c. No EV should occupy a designated EV Space beyond the time frame permitted.”

8. Article 1, Section 113, titled “SPECIFIC WORDS AND PHRASES,” is amended to add the following definitions:

**“Accessible Electric Vehicle Charging Station (AEVCS).** An electric vehicle charging station where the battery charging station meets the ADA requirements for accessibility.”

**“Charger.** An electrical component assembly or cluster of component assemblies designed specifically to charge batteries or other energy storage devices within electric vehicles. Chargers include standardized indicators of electrical force, or voltage (see “Charging levels”), and may charge batteries by conductive or inductive means.”

**“Charging.** Term referring to the act of inserting a charger connector into an electric vehicle inlet or, a vehicle that is connected to a charger that is transferring electrical power to recharge the batteries on board the vehicle.”

**“Charging levels.** Standardized indicators of electrical force, or voltage, at which an electric vehicle’s battery is recharged. Charging levels are referred to as Level 1, Level 2, and Level 3 (also known as “DC/AC Fast Charging”).”

**“Electric Vehicle (EV).** A motor vehicle that operates either partially or exclusively on electrical energy, sourced from the electrical grid or an off-grid source, that is stored on board the EV for motive purposes. EV includes, but is not limited to, all-electric vehicles, battery-powered electric vehicles, plug-in hybrid electric vehicles, and electric motorcycles.”

**“Electric Vehicle Charging Space (EV Space).** A parking space that is allocated for the active charging of vehicles and is equipped with an EVCS.”

**“Electric Vehicle Charging Station (EVCS).** The location of Electric Vehicle Supply Equipment used to connect an EV to a source of electricity.”

**“Electric Vehicle Charging Station – Restricted.** An EVCS that is not intended for access to the general public. Examples include, but are not limited to, single-family homes or assigned parking areas.”

**“Electric Vehicle Charging Station – Unrestricted.** An EVCS that is intended for use by the general public. Examples include, but are not limited to shopping centers, hotels, restaurant, and available to visitors of the use.”

**“Electric Vehicle Supply Equipment (EVSE).** Any equipment or electrical component used in charging electric vehicles at a specific location. EVSE does not include equipment located on or forming a part of EV itself.”

**“Electric Vehicle Transformers/Generators.** Power generators or other similar power source equipment, permanently affixed to land or structure, as distinguished from temporary, portable, non-fixed mechanical equipment.”

**“Electric Vehicle Infrastructure.** All of the components which inclusively make up an EVCS, including conductors; ungrounded, grounded, and equipment grounding conductors; EV connectors; attachment plugs; and all other fittings, devices, power outlets, apparatus or appurtenances installed in connection with the EVCS for the purpose of delivering energy from the grid to an electric vehicle. This infrastructure shall not include any facility for the recycling of these parts.”

### **SECTION 3: PROTANTO REPEAL**

Unless otherwise specifically stated in this Ordinance 141-X, all Ordinances in conflict herewith 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**

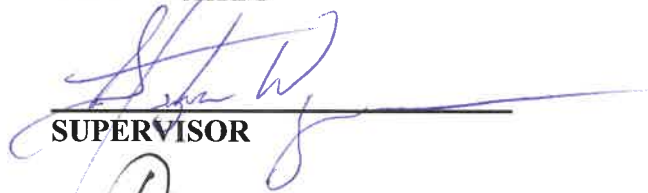
To the extent that any word, portion or provision of the text hereof is found by any court of competent jurisdiction to be invalid or void on constitutional or other grounds, such word, phrase, portion of provision shall, if possible, be deemed to be repealed and those remaining valid portions of the text shall remain in full force and effect if the 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 10<sup>th</sup> day of April, 2023, 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**

  
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**VICE CHAIRMAN**

  
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**SUPERVISOR**

  
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**SUPERVISOR**

**ATTEST:**

  
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**SECRETARY**

  
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**SUPERVISOR**