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CHAPTER 21. GENERAL PROVISIONS

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Authority

The provisions of this Chapter 21 issued under section 313 of the Conservation and Natural Resources Act (71 P.S. § 1340.313); and the Crimes Code, 18 Pa.C.S. §§ 7505 and 7506, unless otherwise noted.

Source

The provisions of this Chapter 21 adopted June 23, 1972, effective June 24, 1972, 2 Pa.B. 1071; amended August 31, 1979, effective September 1, 1979, 9 Pa.B. 2932; renumbered from 25 Pa. Code Chapter 51, June 7, 1996, effective June 8, 1996, 26 Pa.B. 2707, unless otherwise noted. Immediately preceding text appears at serial pages (123411) to (123412) and (90477) to (90481).

Cross References

This chapter cited in 17 Pa. Code § 23.2 (relating to application); and 17 Pa. Code § 45.32 (relating to plants in State Parks and State Forest lands).

PRELIMINARY PROVISIONS**§ 21.1. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Camping—Overnight lodging using standard camping equipment.

Commercial activity—An activity in which a person, organization or association directly or indirectly accepts consideration of value as compensation for the provision of goods or services, including transportation.

District Forester—The Department's Bureau of Forestry employe so designated.

Group activity—An organized activity occurring as a scheduled event and requiring a large land area or unique land formation and which may conflict with normal or traditional uses or pose a potential environmental problem.

State Forest land—Land which is owned or leased by the Commonwealth and which is administered by the Bureau of Forestry.

Source

The provisions of this § 21.1 amended December 4, 1998, effective December 5, 1998, 28 Pa.B. 6039. Immediately preceding text appears at serial page (217088).

§ 21.2. Scope.

This chapter applies to State Forest land.

Source

The provisions of this § 21.2 amended December 4, 1998, effective December 5, 1998, 28 Pa.B. 6039. Immediately preceding text appears at serial page (217088).

§ 21.3. Violations.

(a) A person is guilty of a summary offense under 18 Pa.C.S. § 7505 (relating to violation of governmental rules regarding traffic) if that person commits an act which is prohibited by § 21.21 (relating to motor vehicles).

(b) A person is guilty of a summary offense under 18 Pa.C.S. § 7506 (relating to violation of rules regarding conduct on Commonwealth property) if that person commits an act which is prohibited by this chapter other than those in subsection (a).

Source

The provisions of this § 21.3 amended December 4, 1998, effective December 5, 1998, 28 Pa.B. 6039. Immediately preceding text appears at serial page (217088).

§ 21.4. Closure.

(a) Areas or portions of a State Forest or State Forest facilities may be closed or restricted to certain uses by the District Forester or a designee.

(b) The public will be informed of the closed or restricted areas or facilities by any form of communication, which may include posted signs, or by fencing or other enclosure manifestly designed to exclude intruders.

(c) Violation of the closure or restriction notices under subsection (b) is prohibited.

Source

The provisions of this § 21.4 adopted December 4, 1998, effective December 5, 1998, 28 Pa.B. 6039.

BOATING**§ 21.11. Use.**

All waters on State Forest land are open for the operation of watercraft unless posted as closed.

Source

The provisions of this § 21.11 amended December 4, 1998, effective December 5, 1998, 28 Pa.B. 6039. Immediately preceding text appears at serial page (217089).

§ 21.12. Mooring and launching.

(a) Overnight mooring or storage of watercraft from November 15 through March 31 is prohibited except on lands leased from the Commonwealth. This prohibition does not apply to canoes, kayaks, rafts and other paddle-powered small boats stored overnight at the operator's campsite.

(b) The launching or mooring of watercraft on waters in State Forests requires the appropriate valid State Recreation Area Watercraft Permit affixed aft of amidship on the starboard (right-side).

(c) A current Fish and Boat Commission number and certificate of watercraft registration permits daily launching only.

(d) The Department will establish a schedule of fees for mooring and launching permits. This schedule and any subsequent revisions will be effective upon publication in the *Pennsylvania Bulletin*.

(e) Small, hand-carried boats, rafts and canoes may be launched from any point on the shoreline. Boats on trailers may be launched only at designated launch areas.

(f) Boat mooring is restricted to designated mooring areas.

Source

The provisions of this § 21.12 amended July 20, 1984, effective July 21, 1984, 14 Pa.B. 2666; amended December 4, 1998, effective December 5, 1998, 28 Pa.B. 6039. Immediately preceding text appears at serial page (217089).

§ 21.13. Motorized boats.

Only electric motors may be used for propulsion of motorized watercraft.

Source

The provisions of this § 21.13 amended December 4, 1998, effective December 5, 1998, 28 Pa.B. 6039. Immediately preceding text appears at serial page (217089).

MOTORIZED VEHICLES**§ 21.21. Motor vehicles.**

(a) This section pertains to motor vehicles other than those addressed in §§ 21.22, 21.23 and 21.23a (relating to snowmobiles; trail bikes and other motorized off-road vehicles; and all-terrain vehicles).

(b) Operation of motor vehicles on State Forest land in the following manners is prohibited:

(1) Operation of a motor vehicle in careless disregard for the safety of persons or property, or in excess of posted speed limits or, where no speed limit is posted, in excess of 25 miles per hour.

(2) Driving on roads, trails or other areas not specifically designated and posted for motor vehicle traffic unless authorized in writing by the District Forester or a designee.

(3) The use of State Forest roads for commercial purposes without a road use agreement from the Department. An individual or corporation whose property adjoins State Forest land is not required to obtain a road use agreement to use State Forest roads for incidental commercial purposes to make deliveries to the property.

(4) Operating unlicensed, unregistered or uninspected motor vehicles on State Forest land.

Source

The provisions of this § 21.21 amended July 20, 1984, effective July 21, 1984, 14 Pa.B. 2666; amended December 4, 1998, effective December 5, 1998, 28 Pa.B. 6039. Immediately preceding text appears at serial pages (217089) to (217090).

Cross References

This section cited in 17 Pa. Code § 21.3 (relating to violations); and 17 Pa. Code § 23.3 (relating to violations).

§ 21.22. Snowmobiles.

(a) Snowmobiling is permitted in accordance with 75 Pa.C.S. Chapter 77 (relating to snowmobiles) and this section.

(b) Snowmobiles may be operated only on designated snowmobile roads, designated trails and designated and posted areas on State Forest land.

(c) Snowmobiles may be operated on State Forest land from the day following the last day of regular or extended antlerless deer season as established by the Game Commission through the following April 1, or earlier, as determined by the District Forester.

(d) Operation of snowmobiles on a road, trail or area not specifically designated and posted for snowmobile use or at any time of year other than that in subsection (c) is prohibited.

Source

The provisions of this § 21.22 amended December 4, 1998, effective December 5, 1998, 28 Pa.B. 6039. Immediately preceding text appears at serial page (217090).

Cross References

This section cited in 17 Pa. Code § 21.21 (relating to motor vehicles); and 17 Pa. Code § 21.23 (relating to trail bikes and other motorized off-road vehicles).

§ 21.23. Trail bikes and other motorized off-road vehicles.

This section pertains to motorized off-road vehicles other than those addressed in §§ 21.22 and 21.23a (relating to snowmobiles; and all-terrain vehicles).

- (1) Trail bikes and other motorized off-road vehicles may be operated only on roads, trails or other areas that have been specifically designated and posted for their use.
- (2) Trail bikes and other motorized off-road vehicles may be operated only during the times of year authorized by the Department's Bureau of Forestry by posted signs.

Source

The provisions of this § 21.23 amended December 4, 1998, effective December 5, 1998, 28 Pa.B. 6039. Immediately preceding text appears at serial page (217090).

Cross References

This section cited in 17 Pa. Code § 21.21 (relating to motor vehicles).

§ 21.23a. All-terrain vehicles.

- (a) The operation of all-terrain vehicles is permitted in accordance with 75 Pa.C.S. Chapter 77 (relating to all-terrain vehicles) and this section.
- (b) All-terrain vehicles may be operated only on designated and posted roads, trails and other areas.
- (c) All-terrain vehicles may be operated on State Forest land from the Friday before Memorial Day through the last full weekend in September, and from the day following the last day of the regular or extended antlerless deer season as established by the Game Commission through the following April 1.

Source

The provisions of this § 21.23a adopted December 4, 1998, effective December 5, 1998, 28 Pa.B. 6039.

Cross References

This section cited in 17 Pa. Code § 21.21 (relating to motor vehicles); and 17 Pa. Code § 21.23 (relating to trail bikes and other motorized off-road vehicles).

§ 21.24. Spark arrestors.

Operation of any motorized vehicle, all-terrain vehicle, trail bike or other motorized off-road vehicle in, on or through State Forest land without a fully functional spark arrestor is prohibited.

Source

The provisions of this § 21.24 amended December 4, 1998, effective December 5, 1998, 28 Pa.B. 6039. Immediately preceding text appears at serial page (217091).

§ 21.25. Parking

(a) Parking a motor vehicle, all-terrain vehicle, snowmobile, trail bike, other motorized off-road vehicle, boat trailer, camp trailer or other equipment which obstructs a gate, road, trail, footpath, bicycle path, access way, drinking fountain, entrance, exit or road turnaround on State Forest land is prohibited.

(b) A person may not park a vehicle in a parking area on State Forest land designated for handicapped persons, unless the vehicle bears a handicapped or severely disabled veteran registration plate or displays a handicapped or severely disabled veteran parking placard, in accordance with 75 Pa.C.S. § 1338 (relating to handicapped plate and placard), and the vehicle is operated by or for the transportation of a handicapped person or a severely disabled veteran.

(c) Violations of this section will be handled as follows:

(1) Prior to the filing of a citation charging a summary offense under this section, the Department may issue a parking ticket, which will be handed to the violator or placed on the windshield of the violator's vehicle. The violator may avoid criminal proceedings by paying a fine to the Department, equivalent to the maximum fine as provided in 18 Pa.C.S. § 7505 (relating to violation of governmental rules regarding traffic), within 5 days of the violation in the manner specified on the ticket.

(2) When a parking ticket has been issued, the Department may institute criminal proceedings only upon failure of the violator to pay the fine in accordance with the time limit specified in paragraph (1) and in the manner specified on the ticket.

(3) When a parking ticket has not been issued, the Department may institute criminal proceedings by issuing a citation.

Source

The provisions of this § 21.25 adopted December 4, 1998, effective December 5, 1998, 28 Pa.B. 6039.

Cross References

This section cited in 17 Pa. Code § 23.3 (relating to violations).

FOREST PRODUCTS**§ 21.31. Prohibitions.**

The following activities are prohibited:

(1) Cutting, picking, digging, damaging or removing, in whole or in part, a living or dead plant, vine, shrub, tree or flower on State Forest land without written authorization of the District Forester or a designee, except that edible wild plants or plant parts may be gathered without authorization if they are gathered for one's own personal or family consumption. Dead and down wood for small campfires may be gathered without prior authorization.

(2) Removing rocks, shale, sand, clay, soil or other mineral products from State Forest land without written authorization of the District Forester or a designee.

(3) Removing peat, sawdust, bark, mulch or other products from State Forest land without written authorization of the District Forester or a designee.

(4) Removing or disturbing historical or archeological resources from State Forest land without written authorization of the District Forester or a designee.

(5) Planting a tree, shrub or plant of any kind without the written authorization of the District Forester or a designee.

Source

The provisions of this § 21.31 amended December 4, 1998, effective December 5, 1998, 28 Pa.B. 6039. Immediately preceding text appears at serial page (217091).

§ 21.32. Designated trees.

Only designated trees may be cut or removed.

Source

The provisions of this § 21.32 amended December 4, 1998, effective December 5, 1998, 28 Pa.B. 6039. Immediately preceding text appears at serial page (217091).

§ 21.33. Cutting practices.

(a) The stump height of cut trees may not exceed the diameter of the stump or 12 inches whichever is smaller.

(b) All tops and slash shall be removed 25 feet from streams, roads, trails and State Forest boundaries.

(c) The blocking of drainage ditches, pipes and other structures with tops and slash is prohibited.

Source

The provisions of this § 21.33 amended December 4, 1998, effective December 5, 1998, 28 Pa.B. 6039. Immediately preceding text appears at serial page (217091).

§ 21.34. Removal.

The removal of fuel wood and other forest products from the forest by the use of tractors, skidders or any method other than hand carrying is prohibited without written authorization of the District Forester or a designee.

Source

The provisions of this § 21.34 amended December 4, 1998, effective December 5, 1998, 28 Pa.B. 6039. Immediately preceding text appears at serial page (217091).

§ 21.35. [Reserved].**Source**

The provisions of this § 21.35 reserved December 4, 1998, effective December 5, 1998, 28 Pa.B. 6039. Immediately preceding text appears at serial page (217092).

MISCELLANEOUS PROVISIONS**§ 21.61. Camping permit.**

Camping without a current camping permit issued by the District Forester or a designee is prohibited. Primitive backpack campers not using developed facilities do not need a permit if they stay no more than 1 night at any campsite.

Source

The provisions of this § 21.61 amended December 4, 1998, effective December 5, 1998, 28 Pa.B. 6039. Immediately preceding text appears at serial page (217092).

§ 21.62. Open fires.

(a) Subject to the prohibition in subsection (b), small campfires are permitted only where adequate precautions are taken to prevent the spread of fire into the forest. All other fires are prohibited. Campfires shall be attended at all times.

(b) Open fires are prohibited when the forest-fire danger is determined by the District Forester to be High, Very High or Extreme and from March 1 through May 25 and from October 1 through December 1 without authorization from the District Forester or a designee. This prohibition does not apply to small self-contained camp stoves when used in a safe manner.

(c) A person causing a wildfire, in addition to possible criminal penalty, is liable for all damages, costs of extinction and fines.

Source

The provisions of this § 21.62 amended December 4, 1998, effective December 5, 1998, 28 Pa.B. 6039. Immediately preceding text appears at serial page (217092).

Cross References

This section cited in 17 Pa. Code § 23.16 (relating to fines).

§ 21.63. Hunting and trapping.

Hunting and trapping on State Forest land are permitted in accordance with 34 Pa.C.S. (relating to Game and Wildlife Code) and rules and regulations, unless otherwise posted.

Source

The provisions of this § 21.63 amended December 4, 1998, effective December 5, 1998, 28 Pa.B. 6039. Immediately preceding text appears at serial page (217092).

§ 21.64. Fishing.

Fishing in waters on State Forest land is permitted in accordance with 30 Pa.C.S. (relating to Fish and Boat Code) and rules and regulations, unless otherwise posted.

Source

The provisions of this § 21.64 amended December 4, 1998, effective December 5, 1998, 28 Pa.B. 6039. Immediately preceding text appears at serial page (217092).

§ 21.65. Target shooting.

Target shooting with firearms, bows and arrows or devices capable of launching projectiles and causing injury to persons or property is prohibited except where authorized by the District Forester or a designee.

Source

The provisions of this § 21.65 amended December 4, 1998, effective December 5, 1998, 28 Pa.B. 6039. Immediately preceding text appears at serial page (217092).

§ 21.66. Destruction of property.

Damaging, defacing or removing any sign, structure, equipment or other material is prohibited.

Source

The provisions of this § 21.66 amended December 4, 1998, effective December 5, 1998, 28 Pa.B. 6039. Immediately preceding text appears at serial page (217092).

§ 21.67. Posting and soliciting.

Posting of signs or soliciting without written authorization of the District Forester or a designee is prohibited.

Source

The provisions of this § 21.67 amended December 4, 1998, effective December 5, 1998, 28 Pa.B. 6039. Immediately preceding text appears at serial page (217093).

§ 21.68. Littering and disposal.

Littering or disposal of garbage, paper, household refuse, waste or other material of any kind is prohibited.

Source

The provisions of this § 21.68 amended December 4, 1998, effective December 5, 1998, 28 Pa.B. 6039. Immediately preceding text appears at serial page (217093).

§ 21.69. [Reserved].**Source**

The provisions of this § 21.69 reserved December 4, 1998, effective December 5, 1998, 28 Pa.B. 6039. Immediately preceding text appears at serial page (217093).

§ 21.70. [Reserved].**Source**

The provisions of this § 21.70 reserved December 4, 1998, effective December 5, 1998, 28 Pa.B. 6039. Immediately preceding text appears at serial page (217093).

§ 21.70a. Snow plowing.

The plowing or removal of snow from State Forest land without authorization of the District Forester or a designee is prohibited.

Source

The provisions of this § 21.70a adopted December 4, 1998, effective December 5, 1998, 28 Pa.B. 6039.

§ 21.71. [Reserved].**Source**

The provisions of this § 21.71 reserved December 4, 1998, effective December 5, 1998, 28 Pa.B. 6039. Immediately preceding text appears at serial page (217093).

§ 21.72. Closure because of fire danger.

(a) If the forest-fire danger rating is Very High or Extreme, all or portions of the State Forest may be closed to certain specified uses.

(b) Violation of a closure notice under subsection (a) is prohibited.

Source

The provisions of this § 21.72 amended December 4, 1998, effective December 5, 1998, 28 Pa.B. 6039. Immediately preceding text appears at serial page (217093).

§ 21.73. Pets.

Pets are permitted on State Forest land if they are kept under control and attended at all times.

Source

The provisions of this § 21.73 adopted December 4, 1998, effective December 5, 1998, 28 Pa.B. 6039.

§ 21.74. Disorderly conduct.

The following are prohibited:

(1) Fighting or other behavior that is threatening, violent or tumultuous.

(2) The possession or consumption of alcoholic beverages by persons under 21 years of age.

(3) Creating an unreasonable noise that may disturb other visitors to State Forest land.

Source

The provisions of this § 21.74 adopted December 4, 1998, effective December 5, 1998, 28 Pa.B. 6039.

§ 21.75. Sanitation.

(a) Washing in water outlets, springs, lakes or waterways is prohibited.

(b) Discharging of trailer, camper or motor home sewage, sink water or bath water on or into ground or surface waters is prohibited.

Source

The provisions of this § 21.75 adopted December 4, 1998, effective December 5, 1998, 28 Pa.B. 6039.

§ 21.76. Feeding of wildlife.

(a) Feeding of wildlife, except for elevated songbird feeders of less than one-half bushel capacity, is prohibited on State Forest land from 30 days prior to the beginning of spring gobbler season through the end of flintlock muzzleloader deer season.

(b) Placing of wildlife feeders of more than one-half bushel combined capacity on State Forest land without the authorization of the District Forester or a designee, is prohibited.

Source

The provisions of this § 21.76 adopted December 4, 1998, effective December 5, 1998, 28 Pa.B. 6039.

§ 21.77. Commercial activity.

Selling, distributing, delivering, servicing, guiding or renting any equipment, material or commodity or otherwise engaging in commercial activity on State Forest land without written authorization of the District Forester or a designee is prohibited.

Source

The provisions of this § 21.77 adopted December 4, 1998, effective December 5, 1998, 28 Pa.B. 6039.

§ 21.78. Group activities.

Group activities are prohibited without written authorization of the District Forester or a designee.

Source

The provisions of this § 21.78 adopted December 4, 1998, effective December 5, 1998, 28 Pa.B. 6039.

§ 21.79. Structures.

Building or erecting a structure or memorial, or engaging in construction or excavation activity, without written authorization of the Department is prohibited.

Source

The provisions of this § 21.79 adopted December 4, 1998, effective December 5, 1998, 28 Pa.B. 6039.

§ 21.80. Trespass.

(a) A person who violates this chapter or disregards instructions or warnings given by a State Forest officer or interferes with a State Forest officer in the performance of the duties of the officer may be ordered to leave State Forest land.

(b) A person who refuses to leave State Forest land, after receiving an order to leave from a State Forest officer, commits an act of criminal trespass under 18 Pa.C.S. § 3503(b) (relating to criminal trespass).

Source

The provisions of this § 21.80 adopted December 4, 1998, effective December 5, 1998, 28 Pa.B. 6039.

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