ORDINANCE NO. _____

AN ORDINANCE OF THE TOWNSHIP OF MAIDENCREEK, BERKS COUNTY, PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES (ORDINANCE NO. 223) OF THE TOWNSHIP, CHAPTER 88 ENTITLED BURNING, OPEN TO ALLOW OUTDOOR FURNACES IN THE R1 LOW DENSITY RESIDENTIAL ZONING DISTRICT AND TO PROHIBIT THE USE OF SKY LANTERNS WITHIN THE TOWNSHIP OF MAIDENCREEK.

BE IT ENACTED AND ORDAINED, and it is hereby enacted and ordained by the Township of Maidencreek, as follows:

Section 1. Section 88-2 of Chapter 88, Burning, Open of the Code of the Township of Maidencreek is hereby amended to include the following definition:

§ 88-2 Definitions.
SKY LANTERN
An unmanned, airborne device typically made of paper, with an opening at the bottom where a small fire, candle or fuel cell is suspended, which serves as a heat source to cause the device to rise. Sky lanterns are sometimes referred to as "Chinese lanterns," "sky candles," or "fire balloons."

Section 2. Section 88-3 of Chapter 88, Burning, Open of the Code of the Township of Maidencreek is hereby amended to prohibit the following additional activity:

§ 88-3 Prohibited activities; exceptions.
A. Compliance with chapter. Within the Township of Maidencreek:
(7) It shall be unlawful to ignite, launch, or otherwise release any sky lantern within the Township of Maidencreek.

Section 3. Section 88-4 of Chapter 88, Burning, Open of the Code of the Township of Maidencreek is hereby amended to allow outdoor furnaces in the following zoning districts:

§ 88-4 Outdoor furnaces prohibited.
Subject to the exception for the Agricultural Preservation Zoning District and R1 Low Density Residential Zoning District, any and all outdoor furnace devices utilized for providing heat shall be prohibited in all Maidencreek Township zoning districts. Such heating facility include, but are not limited to, outdoor wood-burning stoves and/or furnaces.

Section 4. Severability.

The provisions of this Article shall be severable, and if any of its provisions shall be held to be unconstitutional, illegal, such decision shall not affect the validity of any remaining provisions of this Article. It is hereby declared that it is the legislative intent that this Article would have been

adopted had the unconstitutional or illegal provisions not been included.

Section 5. Repealer.

All ordinances or parts of ordinances inconsistent with the provisions of the Ordinance are hereby repealed.

Section 6. Effective Date.

This Ordinance shall be effective five (5) days after enactment.

ORDAINED and ENACTED as an Ordinance by the Board of Supervisors of Maidencreek Township, County of Berks, Pennsylvania, in lawful session duly assembled, this _____day of_____, 2017.

MAIDENCREEK TOWNSHIP
BOARD OF SUPERVISORS

BY:_____
Joseph E. Rudderow, III, Chairman

_____
Claude Beaver, Supervisor

_____
David Franke, Supervisor

Attest:

_____
Diane Hollenbach, Manager