ORDINANCE NO. _____

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

The Board of Supervisors of the Township of Maidencreek, Berks County, PA (the Township) in lawful session duly convened hereby ENACTS AND ORDAINS the following amendments to its Code of Ordinances (the Code) as follows:

Section 1. Amendments to Chapter 88.

A. Part II General Legislation of the Code, Chapter 88 entitled Maidencreek Township Outdoor Burning Ordinance, Section Chapter 88-2 Definitions is hereby amended by adding in alphabetical order the following definitions:

OUTDOOR FURNACE – All devices designed, used and/or deployed as a heat source for homes, buildings or structures but operated outside of those structures, including but not limited to wood or coal fired Hydronic heaters.

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 include and are sometimes referred to as "Chinese lanterns," "sky candles," or "fire balloons."

B. Part II General Legislation of the Code, Chapter 88 entitled Maidencreek Township Outdoor Burning Ordinance, Section Chapter 88-3 Prohibited Activities, exceptions is hereby amended by adding new subparagraph 7 to read as follows:

(7) It shall be unlawful to ignite, launch, or otherwise release any Sky Lantern within the Township of Maidencreek.

C. Part II General Legislation of the Code, Chapter 88 entitled Maidencreek Township Outdoor Burning Ordinance, Section Chapter 88-4 entitled Outdoor furnaces prohibited is hereby amended to read as follows:

§ 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 facilities include, but are not limited to, outdoor wood-burning stoves and/or

furnaces. All Outdoor furnaces permitted and used in the Agricultural Preservation District and the R-1 Low Density Residential District shall comply with all applicable federal and state statutes and regulations for designs and emissions.

Section 2. 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 3. Repealer.

All ordinances or parts of ordinances inconsistent with the provisions of the Ordinance are hereby repealed.

Section 4. 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 _____, 2018.

MAIDENCREEK TOWNSHIP
BOARD OF SUPERVISORS

By:_____
Claude Beaver, Chairman

_____
Joseph E. Rudderow, III, Supervisor

_____
Heidi Fiedler, Supervisor

Attest:

_____
Diane Hollenbach, Secretary