

**ORDINANCE NO. 07- 3**

AN ORDINANCE OF WEISENBERG TOWNSHIP, LEHIGH COUNTY,  
PENNSYLVANIA, AMENDING THE OUTDOOR FUEL-BURNING APPLIANCE  
ORDINANCE (ORDINANCE NO. 06-03); AND PROVIDING FOR AN EFFECTIVE DATE  
AND A GENERAL REPEALER.

WHEREAS, the Township of Weisenberg enacted the Outdoor Fuel-Burning Appliance Ordinance (Ordinance No. 06-03), hereinafter referred to as the "Ordinance"; and

WHEREAS, the Township of Weisenberg desires to amend the Ordinance.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Weisenberg Township, Lehigh County, Pennsylvania, in lawful session and duly assembled as follows:

Section 5. General Regulations of the Ordinance is amended as follows, with the amendments noted in underline/strike-out format:

Section 5. GENERAL REGULATIONS. Use of any outdoor fuel-burning appliance shall be subject to the following General Regulations:

- A. Permitted Solid Fuels. Only those solid fuels that are recommended by the appliance's manufacturer are permitted to be burned in any outdoor fuel-burning appliance. The burning of any and all other materials in an outdoor fuel-burning appliance is prohibited.
- B. Permitted Zones. Outdoor fuel-burning appliances shall be permitted only in the Rural (R) and Rural Conservation (RC) zoning districts as shown on the Official Zoning Map of Weisenberg Township.
- C. Setbacks. Outdoor fuel-burning appliances shall be set back not less than one hundred (100) feet from the nearest lot line.
- D. Months of Operation. Outdoor fuel-burning appliances shall be used only between September 1 and May 31 of each year.
- E. Stack Location. Any stack must be in compliance with the following requirements:
  - (1) if located fifteen (15) feet or less to any structure, including, but not limited to, a residence served by the outdoor fuel-burning appliance, the stack must be at least three (3) feet higher than the highest point of the

structure.

- (2) if located two hundred (200) feet or less to any residence not served by the outdoor fuel-burning appliance, the stack must be at least two (2) feet higher than the peak of the roof of that residence.

Notwithstanding the foregoing, in no event shall the stack height for any outdoor fuel-burning appliance be less than the manufacturer's guidelines.

Section 9. Grandfather Clause of the Ordinance is amended as follows, with the amendments noted in underline/strike-out format:

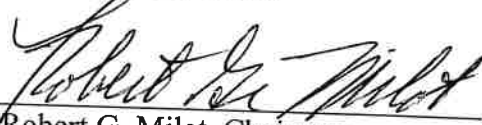
Section 9. GRANDFATHER CLAUSE. This Ordinance shall not be construed to be retroactive and shall not require the removal of any outdoor fuel-burning appliance in existence within the Township at the effective date of this Ordinance. All outdoor fuel-burning appliances in existence at the effective date of this Ordinance shall have or must erect a stack which has a height at least (i) three (3) feet higher than the highest point of any structure that is located within Fifteen (15) feet or less of said appliance; and (ii) two (2) feet higher than the peak of the roof of any residence not served by the outdoor fuel-burning appliance that is located within Two Hundred (200) feet of said appliance. The existing appliance may not be replaced and if it is not utilized for a period of one (1) year, it will be deemed abandoned and must be removed. If an existing outdoor fuel-burning appliance is more than fifty (50%) percent torn down, physically deteriorated, or decayed, any rebuilding or restoration of said outdoor fuel-burning appliance shall be a violation of this Ordinance.


REPEALER. All ordinances and parts of ordinances which are inconsistent herewith, are hereby repealed.

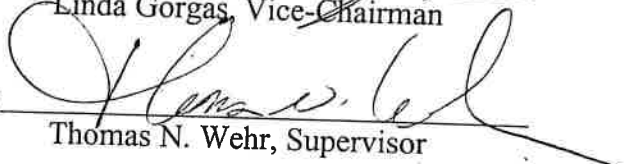
EFFECTIVE DATE. This Ordinance shall become effective five (5) days from the date of enactment.

APPROVED BY the Board of Supervisors of Weisenberg Township, Lehigh County, Pennsylvania, and ENACTED this 14<sup>th</sup> day of May, 2007.


WEISENBERG TOWNSHIP

By:   
Robert G. Milot, Chairman

By:   
Linda Gorgas, Vice-Chairman

By:   
Thomas N. Wehr, Supervisor

I hereby certify that the foregoing Ordinance and was duly enacted and approved as set forth at the regular meeting of the Board of Supervisors of Weisenberg Township held on May 14, 2007.

  
Donald P. Breininger, Secretary