

CHAPTER 11 MINIMUM PROPERTY MAINTENANCE STANDARDS

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§ 11-1. Chapter Title. That this chapter shall be known and may be cited as the “Minimum Property Maintenance Standards” of the Town of Easton, Maryland. (Ordinance 526 effective 3/24/2008)

§ 11-2. General References. That this chapter shall reference Health and Sanitation – Chapter 12, Litter and Control – Chapter 16 and Rat Control – Chapter 21 of the Code of the Town of Easton and the Minimum Livability Code – 05.02.03 of the Code of Maryland Regulations. (Ordinance 526 effective 3/24/2008)

Article I – Property Maintenance Code

§ 11-3. Adoption of Standards. The International Property Maintenance Code, as published by the International Code Council, is hereby adopted as the minimum standard for property maintenance in the Town of Easton, Maryland. (Ordinance 628 effective October 7th 2013, historical reference 301, 371, 404, 449 and 526)

§ 11-4. State of Maryland – Minimum Livability Code. The Code of Maryland Regulations, COMAR 05.02.03.03(2) states that the provisions of the Minimum Livability Code found therein do not apply to housing located in a political subdivision that has adopted a local housing code containing provisions that substantially conform to the provisions of COMAR 05.02.03; and

The Minimum Property Maintenance Code set forth herein substantially conforms to those provisions, and it is therefore intended that the adoption of this code shall have the effect of making COMAR 05.02.03 inapplicable in

the Town of Easton, except to the extent that the application of those regulations would be more restrictive than the provisions of this code. (Ordinance 526 effective 3/24/2008)

§ 11-5 Incorporation by Reference.

§ 11-5.1 International Property Maintenance Code 2009. The International Property Maintenance Code 2009 second printing, with the modifications found in §11-5.2 of this article, are incorporated by reference. (Ordinance 569 effective March 22nd 2010, historical reference 19, 58, 81, 153, 301, 371, 404, 449, 526)

§ 11-5.2 International Property Maintenance Code 2009 Amendments. Amendments for the International Property Maintenance Code 2009 are as follows: (Ordinance 569 effective March 22nd 2010)

§ 11-5.2.1 Chapter 1. Scope and Administration. Delete Section 101.1 Title and replace with the following: (Ordinance 569 effective March 22nd 2010, historical reference 58, 301, 404, 449, 526)

101.1 Title. The International Property Maintenance Code 2009 shall be known and may be cited as the Town of Easton, Property Maintenance Code. It is referenced within as this code.

§ 11-5.2.2 Chapter 1. Scope and Administration. Add Section 101.1 Additional Scope. (Ordinance 569 effective March 22nd 2010)

101.2.1 Additional Scope. In addition to any fire safety requirements contained in the International Property Maintenance Code, the State fire safety laws, Public Safety Article, Title 9, Annotated Code of Maryland, and the State Fire Prevention Code, COMAR 29.06.01, may contain additional fire safety requirements. The State Fire Prevention Code is enforced by the State Fire Marshal or authorized fire official.

§ 11-5.2.3 Chapter 1. Scope and Administration. Delete Section 102.3 Application of other codes and replace with the following: (Ordinance 569 effective March 22nd 2010, historical reference 526)

102.3 Application of other codes. Application of other codes for repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the International Building Code, International Residential Code and the International Existing Buildings Code. Nothing in this code shall be construed to cancel, modify or set aside any provision of the Town of Easton Building Code and or Zoning Ordinance.

§ 11-5.2.4 Chapter 1. Scope and Administration. Delete Section 102.6 Historic Buildings and replace with the following: (Ordinance 569 effective March 22nd 2010, historical reference 526)

102.6 Historic buildings. The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare. All structures locate within the Historic District shall meet the minimum requirements under Chapter 1 and Chapter 3, Sections 301, 302, 303, 307, and 308 to maintain the historic value of the structure and premise. All notices and orders under Section 107, will require the property owner to appear before the Historic District Commission.

§ 11-5.2.5 Chapter 1. Scope and Administration. Delete Section 103 Department of Property Maintenance Inspection, and replace with the following: (Ordinance 569 effective March 22nd 2010, historical reference 58, 301, 404, 449, 526)

**SECTION 103
OFFICE OF CODE ENFORCEMENT**

103.1 General. The office of Code Enforcement shall be responsible for the enforcement of the provisions of this code. The official in charge thereof shall be known as the code official.

103.2 Liability. The Code Enforcement official, officers or employees charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties.

103.3 Fees. The fees for activities and services performed by the office of Code Enforcement in carrying out its responsibilities under this code shall be in accordance with the adopted Schedule of Fees as established by the Town Council, which may be revised from time to time by resolution of the Town Council.

§ 11-5.2.6 Chapter 1. Scope and Administration. Delete Section 104.6 Department records and replace with the following: (Ordinance 569 effective March 22nd 2010, historical reference 526)

104.6 Office records. The code official shall keep official records of all business and activities of the office specified in the provisions of this code. Such records shall be retained in the official records for the period required for retention of public record.

§ 11-5.2.7 Chapter 1. Scope and Administration. Delete Section 106.3 Prosecution of violation and replace with the following: (Ordinance 569 effective March 22nd 2010, historical reference 526)

106.3 Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a municipal infraction and shall be subjected to the penalties set forth in Section 1-8 of the Easton Town Code, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the Town of Easton on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate collectible in the same manner in which real estate taxes are collected, or the Town may collect it by such other action at law as they deem appropriate.

§ 11-5.2.8 Chapter 1. Scope and Administration. Delete Section 106.4 Violation penalties and replace with the following: (Ordinance 569 effective March 22nd 2010, historical reference 19, 58, 301, 404, 449, 526)

106.4 Violation penalties. Any person, who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be guilty of a municipal infraction and shall be subjected to the penalties set forth in Section 1-8 of the Easton Town Code. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

§ 11-5.2.9 Chapter 1. Scope and Administration. Delete Section 106.5 Abatement of violation and replace with the following: (Ordinance 569 effective March 22nd 2010, historical reference 526)

106.5 Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the Easton Town Council from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

§ 11-5.2.10 Chapter 1. Scope and Administration. Delete Section 108.2 Closing of vacant structures and replace with the following: (Ordinance 569 effective March 22nd 2010)

108.2 Closing of vacant structures. If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and collectible in the same manner in which real estate taxes are collected, or the Town may collect it by such other action at law as they deem appropriate.

§ 11-5.2.11 Chapter 1. Scope and Administration. Delete Section 109.3 Closing streets and replace with the following: (Ordinance 569 effective March 22nd 2010, historical reference 526)

109.3 Closing streets. When necessary for public safety, the office of Code Enforcement shall temporarily close structures and close, or order the Easton Police Department to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

§ 11-5.2.12 Chapter 1. Scope and Administration. Delete Section 109.5 Cost of emergency repairs and replace with the following: (Ordinance 569 effective March 22nd 2010, historical reference 526)

109.5 Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the Town of Easton. The cost of such emergency repairs shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate collectible in the same manner in which real estate taxes are collected, or the Town may collect it by such other action at law as they deem appropriate.

§ 11-5.2.13 Chapter 1. Scope and Administration. Delete Section 110.3 Failure to comply and replace with the following: (Ordinance 569 effective March 22nd 2010)

110.3 Failure to comply. If the owner of a premises fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate collectible in the same manner in which real estate taxes are collected, or the Town may collect it by such other action at law as they deem appropriate.

§ 11-5.2.14 Chapter 1. Scope and Administration. Delete Section 110.4 Salvaged materials. (Ordinance 569 effective March 22nd 2010, historical reference 526)

§ 11-5.2.15 Chapter 1. Scope and Administration. Delete Section 111 Means of Appeals. (Ordinance 569 effective March 22nd 2010, historical reference 526)

§ 11-5.2.16 Chapter 21. Definitions. Delete Section 201.3 Terms defined in other codes and replace with the following: (Ordinance 569 effective March 22nd 2010, historical reference 526)

201.3 Terms defined in other codes. Where terms are not defined in this code, and are defined in the International; Building, Residential, Existing Building, Plumbing, Fuel Gas, Mechanical Codes or the National Electrical Code, such terms shall have the meanings ascribed to them as stated in those codes.

§ 11-5.2.17 Chapter 2. Definitions. Amend Section 202 General definitions and add the following definitions: (Ordinance 569 effective March 22nd 2010, historical reference 58, 404, 449, 526)

CELLAR. That portion of a building that is partly or completely below grade, that is not suitable as living space and is usually used for storage
MULTI-FAMILY DWELLING. Multi-family dwelling is any dwelling or part thereof containing three or more dwelling units.

WELFARE. Concerns welfare of the community, or an individual. Any violation or condition that could adversely affect property values or the quality of living in the community.

§ 11-5.2.18 Chapter 3. General Regulations. Add Section 301.2.1 Transfer of responsibility: (Ordinance 569 effective March 22nd 2010, historical reference 58, 526)

301.2.1 Transfer of responsibility. A contract effective as between owner and operator, operator and occupant or owner and occupant, with regard to compliance hereunder shall not relieve any party of their direct responsibility under this code.

§ 11-5.2.19 Chapter 3. General Regulations. Delete Section 302.2 Grading and drainage and its exception and replace with the following: (Ordinance 569 effective March 22nd 2010, historical reference 404, 449, 526)

302.2 Grading and drainage. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of water thereon, or within any structure located thereon.
Exception: Approved retention areas and reservoirs.

§ 11-5.2.20 Chapter 3. General Regulations. Delete Section 302.4 Weeds and replace with the following: (Ordinance 569 effective March 22nd 2010, historical reference 81, 153, 526)

302.4 Weeds. All premises, exterior property and any space abutting the same between the property line and the curb or edge of pavement, shall be maintained free from weeds or plant growth in excess of 10 inches in height. All invasive plants are prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs.

Exceptions:

1. Cultivated Flower Beds, provided they are properly tended.
2. Vegetable Gardens, provided they are properly tended.
3. Forests, provided they are maintained free of invasive plants.
4. Meadows, provided they are mowed around the perimeter in accordance with 302.4. and 1/3 is mowed in strips annually to prevent woody growth.
5. Agricultural Fields provided they are harvested seasonally.
6. Shoreline Buffers, provided they are properly tended.

302.4.1 Weeds maintenance; duty to remove. The owner or agent shall have the duty to control such weeds and eliminate such invasive plants.

302.4.2 Failure to remove weeds. In the event that any owner or agent having charge of a property shall fail, for a period of five (5) days after written notice, to keep the premises clear of weeds and invasive plants, the office of Code Enforcement shall have authority to have the condition remedied by; any duly authorized employee of the Town of Easton or contractor hired by the Town of Easton and shall be authorized to enter upon the property in violation and control such weeds and eliminate such invasive plants thereon. Any cost or expense incurred by the town shall be paid by the owner or agent responsible for the property, or shall constitute a lien upon the real property where the work is done collectible in the same manner in which real estate taxes are collected, or the Town may collect it by such other action at law as they deem appropriate..

§ 11-5.2.21 Chapter 3. General Regulations. Delete Section 302.8 Motor vehicles and its exception and replace with the following: (Ordinance 569 effective March 22nd 2010, historical reference 404, 449, 526)

302.8 Motor vehicles. Except as provided for in other regulations, not more than one currently unregistered or uninspected motor vehicle shall be parked, kept or stored on any premises. All unregistered vehicles must be covered with a car cover designed for such purposes and must be parked on an improved surface; i.e. pavement, gravel, or concrete driveway or parking area.

Exceptions: Automotive Factories, Automotive Sales and Motor Vehicle Repair Garages provided the motor vehicles are parked on an improved surface; i.e. pavement, gravel, or concrete driveway or parking area.

302.8.1 Major overhaul, bodywork and painting. No vehicles shall at any time be in a state of major overhaul (disassembly and or disrepair), or in the process of body work (being stripped and or dismantled). Panting of vehicles is prohibited unless conducted inside an approved spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purpose.

§ 11-5.2.22 Chapter 3. General Regulations. Delete Section 304.3 Premises identification and replace with the following: (Ordinance 569 effective March 22nd 2010, historical reference 449, 526)

304.3 Premises identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be arabic numerals or alphabet letters. Numbers shall be a minimum of 3 inches high with a minimum stroke width of 0.375 inch. Rear entrance identification shall be provided on all non-residential structures.

§ 11-5.2.23 Chapter 3. General Regulations. Delete Section 304.6 Exterior walls and replace with the following: (Ordinance 569 effective March 22nd 2010, historical reference 58, 404, 449, 526)

304.6 Exterior walls. All exterior walls shall be free from holes, breaks, loose or rotting materials; and maintained (clean), weatherproof and properly surface coated to prevent deterioration.

§ 11-5.2.24 Chapter 3. General Regulations. Move Section 304.12 Handrails and guards to a new section as follows: (Ordinance 569 effective March 22nd 2010)

307.2 Loads and Maintenance. Every handrail and guard shall be firmly fastened and capable of supporting the loads as prescribed in the International Building and Residential Codes and shall be maintained in good condition.

§ 11-5.2.25 Chapter 3. General Regulations. Delete 304.13 Windows, skylight and door frames and replace with the following: (Ordinance 569 effective March 22nd 2010, historical reference 58, 404, 449, 526)

304.13 Window, skylight, door and their frames. Every window, skylight, door and their frame(s) shall be kept in sound condition, good repair and weather tight.

§ 11-5.2.26 Chapter 3. General Regulations. Delete Section 304.14 Insect screens and its exception and replace with the following: (Ordinance 569 effective March 22nd 2010, historical reference 449, 526)

304.14 Insect screens. During the period from April 1 to November 1, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

§ 11-5.2.27 Chapter 3. General Regulations. Delete Section 305.6 Interior doors and replace with the following: (Ordinance 569 effective March 22nd 2010, historical reference 526)

305.6 Interior doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware. Keyed locksets are prohibited on sleeping spaces within any single dwelling unit, for one and two families unless approved by the office of Code Enforcement as a Rooming House or Unit.

§ 11-5.2.28 Chapter 3. General Regulations. Add Section 305.7 Utilities: (Ordinance 569 effective March 22nd 2010, historical reference 58, 526)

305.7 Utilities. No owner, operator or occupant shall cause any service equipment or utility which is required by this code to be removed, shut off or discontinued for any occupied structure, except for such temporary interruption as may be necessary while actual repairs or alterations are in progress, or during temporary emergencies.

§ 11-5.2.29 Chapter 3. General Regulations. Delete Section 307.1 Handrails and guardrails and its exception and replace with the following: (Ordinance 569 effective March 22nd 2010)

307.1 General. Every exterior and interior stairway having more than three risers shall have a handrail on one side of the stairway and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 34 inches (762 mm) high or more than 38 inches (1067 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 36 inches (762 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception: Guards shall not be required where exempted by the adopted building code.

§ 11-5.2.30 Chapter 3. General Regulations. Delete Section 308.2.2 Refrigerators and replace with the following: (Ordinance 569 effective March 22nd 2010, historical reference 526)

308.2.2 Refrigerators. Refrigerators and similar equipment not in operation shall not be discarded or abandoned on premises. Disposal of this equipment shall include the removal of the doors prior to placing such item for disposal outside the structure.

§ 11-5.2.31 Chapter 4. Light, Ventilation and Occupancy Limitations. Delete Section 402.1 Habitable spaces and its exception and replace with the following: (Ordinance 569 effective March 22nd 2010, historical reference 58, 526)

402.1 Habitable spaces. Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

Exception 1: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The exterior glazing area shall be based on the total floor area being served.

Exception 2: A skylight-type window shall be considered as a window for natural light for rooms or spaces other than living, sleeping or cooking.

§ 11-5.2.32 Chapter 4. Light, Ventilation and Occupancy Limitations. Delete Section 403.1 Habitable spaces and its exception and replace with the following: (Ordinance 569 effective March 22nd 2010, historical reference 58, 526)

403.1 Habitable spaces, common halls and stairways. Every habitable space shall have at least one open able window. The total open able area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section 402.1. Common halls and stairways in every two-family dwelling, multi-family dwelling and rooming house shall be adequately ventilated.

Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

§ 11-5.2.33 Chapter 4. Light, Ventilation and Occupancy Limitations. Delete Section 404.4 Bedroom and living room requirements and its subsections 404.4.1 thru 404.4.5 and replace with the following: (Ordinance 569 effective March 22nd 2010, historical reference 58, 526)

404.4 Habitable space requirements. Every habitable space shall comply with the requirements of Sections 404.4.1 through 404.4.6.

404.4.1 Habitable area. Every dwelling unit shall contain at least 190 square feet of habitable floor area for the first occupant, and at least 100 square feet of additional habitable floor area for each additional occupant.

404.4.2 Habitable living and sleeping spaces. Every living space shall contain at least 120 square feet (11.2 m²) and every sleeping space shall contain at least 70 square feet and every space occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor area for each occupant.

404.4.3 Access from sleeping spaces. Sleeping spaces shall not constitute the only means of access to other sleeping spaces or other habitable spaces and shall not serve as the only means of egress from other habitable spaces.

Exception: Units that contain fewer than two sleeping spaces.

404.4.4 Water closet accessibility. Every sleeping space shall have access to at least one water closet and one lavatory without passing through another sleeping space. Every sleeping space in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the sleeping spaces or an adjacent story without going outside the dwelling.

404.4.5 Prohibited occupancy. Eating, cooking and non-habitable spaces shall not be used for sleeping purposes. Cellars and basements shall not be used for habitable space.

Exception: No basement shall be used for habitable space unless:

1. The floors and walls are substantially watertight.
2. The total light, ventilation and occupancy limitations are in accordance with this chapter.
3. The required minimum window area of every habitable space is entirely above the grade of the ground adjoining such window area, not including stairwells or access ways.

404.4.6 Other requirements. Habitable space shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Chapter 5; the heating facilities and electrical receptacle requirements of Chapter 6; and the smoke detector and emergency escape requirements of Chapter 7.

§ 11-5.2.34 Chapter 4. Light, Ventilation and Occupancy Limitations. Add Section 404.5.1 Notice of maximum occupancy: (Ordinance 569 effective March 22nd 2010, historical reference 58, 526)

404.5.1 Notice of maximum occupancy. Every owner or operator shall advise the occupant in writing either by insertion in the lease between the parties or otherwise of the maximum number of occupants permitted in the occupied premises under the provisions herein.

§ 11-5.2.35 Chapter 4. Light, Ventilation and Occupancy Limitations. Add Section 404.7.1 Cooking equipment: (Ordinance 569 effective March 22nd 2010, historical reference 58, 526)

404.7.1 Cooking equipment. Every piece of cooking equipment shall be so constructed and installed that it will function safely and effectively and shall be maintained in sound working condition.

§ 11-5.2.36 **Chapter 4. Light, Ventilation and Occupancy Limitations.** Add Section 404.7.2 Portable cooking equipment: (Ordinance 569 effective March 22nd 2010, historical reference 58, 526)

404.7.2 Portable cooking equipment. Portable cooking equipment employing flame and cooking equipment using gasoline or kerosene as fuel for cooking are prohibited.

§ 11-5.2.37 **Chapter 5. Plumbing Facilities and Fixture Requirements.** Add Section 502.1.1 Two family dwellings and subsections 502.1.1.1 thru 502.1.1.3: (Ordinance 569 effective March 22nd 2010, historical reference 19, 58, 526)

502.1.1 Two family dwellings. The occupants may share a single water closet, lavatory, bathtub or shower provided:

502.1.1.1 Neither of the two dwelling units contains more than two habitable spaces; however, for the purpose of this subsection, a kitchen with not more than 60 square feet of floor area is not counted as a habitable space.

502.1.1.2 The habitable space of each of such dwelling units aggregates not more than 250 square feet.

502.1.1.3 The water closet, lavatory and bathtub or shower are within a room, separate from the habitable rooms, which affords privacy and which is accessible to the occupants of each dwelling unit without going through the dwelling unit of another person or outside the dwelling.

§ 11-5.2.38 **Chapter 5. Plumbing Facilities and Fixture Requirements.** Delete Section 502.2 Rooming houses and replace with the following: (Ordinance 569 effective March 22nd 2010, historical reference 19, 526)

502.2 Rooming houses. At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units and or each six occupants. In a rooming house in which rooms are let only to males, flush urinals may be substituted in accordance with the International Plumbing Code. No such facilities located in a basement or cellar shall count in computing the number of facilities required by this subsection except when approved by the Building Inspection Division.

§ 11-5.2.39 **Chapter 6. Mechanical and Electrical Requirements.** Delete Section 602.2 Residential occupancies and its exception and replace with the following: (Ordinance 569 effective March 22nd 2010, historical reference 526)

602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 70°F in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature of 10°F. Cooking appliances shall not be used to provide space heating to meet the requirements of this section. Gas heaters and portable heating equipment employing a flame and heating equipment using gasoline or kerosene do not meet the standards of this chapter and are prohibited.

§ 11-5.2.40 **Chapter 6. Mechanical and Electrical Requirements.** Delete Section 602.3 Heat supply and its exceptions and replace with the following: (Ordinance 569 effective March 22nd 2010, historical reference 301, 404, 449, 526)

602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from September 1 to May 1 to maintain a temperature of not less than 70°F in all habitable rooms, bathrooms, and toilet rooms.

Exceptions: When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature of 10°F.

§ 11-5.2.41 **Chapter 6. Mechanical and Electrical Requirements.** Delete Section 602.4 Occupied work spaces and its exceptions and replace with the following: (Ordinance 569 effective March 22nd 2010, historical reference 404, 449, 526)

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from September 1 to May 1 to maintain a temperature of not less than 70°F during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

§ 11-5.2.42 **Chapter 6. Mechanical and Electrical Requirements.** Add Section 605.4 Site lighting: (Ordinance 569 effective March 22nd 2010, historical reference 371, 526)

605.4 Site lighting. All exterior sidewalks, walkways, stairs, driveways, parking areas and similar areas shall be illuminated at night to a minimum level of 2 lux (0.2 foot candles) on pavement or other surface area. Tests for proper illumination shall be conducted in accordance with standards established by the Illuminating Engineering Society. This subsection shall not apply to one and two-family dwellings.

§ 11-5.2.43 **Chapter 7. Fire Safety Requirements.** Delete Section 702.1 General and replace with the following: (Ordinance 628 effective October 7th 2013, historical reference 526 and 569)

702.1 General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the International Building and Residential Codes except as provided herein.

702.1.1 Stairway. Stairways in one and two family dwellings constructed prior to February 27th 1984, shall be permitted to continue without change, provided they meet all of the following provisions;

1. Stairways shall not be less than 27 inches (914 mm) in clear width
2. The minimum headroom in all parts of the stairway shall not be less than 6 feet 8 inches (2032 mm) measured vertically from the sloped line adjoining the tread nosing or from the floor surface of the landing or platform on that portion of the stairway
3. Vertical rise of the stairway shall not be greater than 12 feet (3658 mm)
4. The maximum riser height shall be 8-1/4 inches (210 mm)
5. The minimum tread depth shall be 9 inches (229 mm)

§ 11-5.2.44 **Chapter 7. Fire Safety Requirements.** Delete Section 702.2 Aisles and replace with the following: (Ordinance 569 effective March 22nd 2010, historical reference 526)

702.2 Aisles. The required width of aisles in accordance with the International Building Code shall be unobstructed.

§ 11-5.2.45 **Chapter 7. Fire Safety Requirements.** Delete Section 702.4 Emergency Escape Openings and replace with the following: (Ordinance 628 effective October 7th 2013)

702.4 Emergency Escape and Rescue Openings. Required emergency escape and rescue openings shall be maintained in accordance with the International Building and Residential Code. The following exceptions for one and two family dwellings shall be permitted to continue without change.

Exceptions.

1. Openings constructed prior to February 27th 1984 which have not undergone any alteration, renovation or construction project.
2. Basements constructed prior to October 1st 2009 that do not contain sleeping spaces.
3. Basements used only to house mechanical equipment and not exceeding a total floor area of 200 square feet (18.58 m²).
4. Habitable attics constructed prior to March 22nd 2010 that do not contain sleeping spaces.

702.4.1 Replacement Windows. Openings in one and two family dwellings constructed prior to February 27, 1984 shall be subject to the following:

702.4.1.1 Operating style. Replacement windows are permitted to be of the same operating style as the existing window or a style that provides for an equal or greater window opening area than the existing window.

702.4.1.2 Emergency Escape and Rescue Openings. Where windows are required to be emergency escape and rescue openings, replacement windows shall be exempt from the net clear opening dimension obtainable by the normal operation, minimum sill height and window wells, provided the replacement window meets all of the following conditions:

1. The replacement window is the manufacturer's largest standard size window that will fit within the existing frame or existing rough opening; and
2. The minimum net clear opening of the frame provides 5.0 square feet (0.465 m²) on the grade floor and 5.7 square feet (0.530 m²) for all other levels; and
3. The replacement of the window is not part of a change of use or occupancy.

§ 11-5.2.46 Chapter 7. Fire Safety Requirements. Delete Section 704.1 General and replace with the following: (Ordinance 628 effective October 7th 2013, historical reference 526 and 569)

704.1 General. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the International Building or Residential Codes.

§ 11-5.2.47 Chapter 7. Fire Safety Requirements. Delete Section 704.1.1 Automatic sprinkler systems and replace with the following: (Ordinance 628 effective October 7th 2013, historical reference 526 and 569)

704.1.1 Automatic sprinkler systems. Inspection, testing and maintenance of automatic sprinkler systems shall be in accordance with installation standard; NFPA 13, NFPA 13R or NFPA 13D.

§ 11-5.2.48 Chapter 7. Fire Safety Requirements. Delete Section 704.2 Smoke alarms and replace with the following: (Ordinance 628 effective October 7th 2013, historical reference 526 and 569)

704.2 Smoke alarms. Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. In each room used for sleeping purposes.

3. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

Single or multiple-station smoke alarms shall be installed in other groups in accordance with the International Building Code.

§ 11-5.2.49 Appendix A Boarding Standard. Delete Appendix A Boarding Standard. (Ordinance 628 effective October 7th 2013, historical reference 569)

§ 11-6 Administrative Waivers. (Ordinance 627 effective October 7th 2013)

§ 11-6.1 Administrative Waiver Process. The Code Official may grant administrative waivers of the provisions of the minimum standards for property maintenance in the Town of Easton, Maryland, subject to the limitations provided in § 11-6.3, if the following are satisfied:

1. Application for an administrative waiver is applied for by the property owner in the approved form;
2. Adequate written notice of the waiver application is afforded to the tenant of the unit and a copy shall be provided to the Code Official.
3. The tenant is afforded an opportunity to comment on the application either in writing or in person; and
4. The waiver would not threaten the health or safety of a tenant.

§ 11-6.1.1 Administrative Waiver Fee. There shall be no fee assessed for the filing of an administrative waiver with the Code Official for properties which are appropriately licensed at the time of application. A fee may be applicable to any administrative waiver application for property owners who have, in the twelve (12) month period immediately preceding the administrative waiver request, operated a rental property without the required rental license and whose property was the subject of any action by any department of the Town of Easton to cause the previously unlicensed property to become properly licensed. The Town Council may establish the fee by resolution as part of the Town's Schedule of Fees.

§ 11-6.2 Duration of Waiver. Any administrative waiver granted pursuant to this § 11-6 shall be valid for the duration of the tenancy during which it was granted and for the owner for which it was granted. The administrative waiver shall be continued for future tenancies if the tenant executes a written document evidencing that he or she has been notified of the administrative waiver and does not object to the continuation of the administrative waiver. If the tenant does object to the continuation of the waiver, then the Code Official shall afford the tenant the opportunity to be heard and decide the administrative waiver on its merits. It shall be the responsibility of the property owner to notify each new tenant of the administrative waiver and provide a copy to the Code Official. It shall also be the responsibility of the property owner to notify the Town of a change in tenancy or a change in ownership. In addition, each year, the property owner shall include the name, contact information, and waiver form for the then current tenant with the rental application for that particular unit.

§ 11-6.3 Limitations on Waivers. Administrative Waivers for ceiling heights, stairways and hardship shall be subject to the following limitations and provisions:

§ 11-6.3.1 Minimum Ceiling Height – Administrative Waiver. The Code Official may grant an administrative waiver for one and two family dwellings to allow ceilings constructed prior to January 21st 1963, to continue without change, provided they meet all of the following provisions;

1. Having a minimum floor area, with a clear ceiling height between 6 feet 8 inches (2032 mm) and 7 feet (2134 mm) in accordance with the following table.

TABLE
MINIMUM AREA REQUIREMENTS FOR ADMINISTRATIVE WAIVER

Space	Ceiling Type	Minimum Area in Square Feet		
		1-2 occupants	3-5 occupants	6 or more occupants
Living	Flat or Sloped	120	120	150
Dining		70	80	100
Kitchen		70	80	100
Bedroom		70 or 100	150, 200 or 250	300*

For SI: 1 square foot = 0.093 m²

Maximum occupants per bedroom shall be limited to six

2. Beams, girders, ducts and similar obstructions do not project below 6 feet 8 inches (2032 mm).
3. Functioning hard wired or sealed long lasting battery operated smoke detectors are supplied in each area.
4. Carbon monoxide detectors are supplied in each area, if fuel-fired appliances are installed in the dwelling and/or if there is an attached garage.
5. Code compliant emergency escape and rescue openings are provided if the area is for sleeping.

§ 11-6.3.2 Stairway – Administrative Waiver. The Code Official may grant an administrative waiver for one and two family dwellings to allow stairways constructed prior to February 27th 1984, to continue without change, provided they meet all of the following provisions;

1. Sufficient width and height exist for a person to traverse the means of egress
2. The stairway has dimensional uniformity in the treads and risers along the walk line
3. Adequate hand and guard rails are provided
4. The stairway does not constitute a distinct hazard to life.

§ 11-6.3.3 Hardship – Administrative Waiver. In addition to the waivers provided in sections 11-6.3.1 and 11-6.3.2, the Code Official may grant an administrative waiver for one and two family dwellings of Sections 303.2, 307, 402.1, 402.2, 403.1, 404.2, 404.4.1, 404.4.3, 404.6, and 702.4 of the Minimum Livability Code if a literal enforcement of the provisions of the minimum livability code would result in hardship to the property owner. A waiver under this section may only be granted to the extent necessary to remove the hardship and if the Code Official finds that at least one of the following circumstances exist:

1. The safety protections provided by the particular section at issue are adequately satisfied by other means; or
2. The alterations or repairs required by the code are technically infeasible; or
3. The costs to make the alteration or repair required are disproportionate to the assessed, appraised or calculated value of the dwelling; or
4. The increase in safety protections provided are minor when compared to the feasibility or costs to make the alteration.

§11-6.4 Additional Waiver Provisions.

§11-6.4.1 Conditions. The Code Official may impose such conditions on the granting of a waiver as he or she deems necessary to protect the health and safety of the tenant.

§11-6.4.2 Alterations and Renovations. Any alterations or renovations shall first comply with the provisions of the Maryland Building Rehabilitation Code. Alterations and renovations that do not comply with the Maryland Building Rehabilitation Code and the minimum livability code shall not be initiated.

§11-6.4.3 Board of Appeals. If the Code Official elects not to grant a waiver of the provisions for minimum ceiling height, stairways or hardship, then the property owner may apply for a waiver to the Board of Appeals pursuant to § 2-26.2 of the Town Code. The fee, if any, for filing with the Board of Appeals shall be established in the Schedule of Fees. The Board of Appeals shall have the power to grant a waiver for the ceiling height, stairways and hardships that comply with the provisions and requirements of § 11-6 of the Town Code and subject to the limitations set forth in § 11-6.3. For the purpose of waiver applications, the Board of Appeals shall have two additional members (for a total of five). Such additional members shall be Town residents appointed by the Mayor and confirmed by the Town Council. The additional members shall be appointed for terms of three years each. Vacancies shall be filled by appointment for the unexpired term.

§ 11-7 Reserved.

Article II – Garbage and Refuse

§ 11-8 Definitions.

For purpose of this article, unless the context otherwise indicates, the following definitions shall apply.

Ashes. The residue from the burning of wood, coal, coke, or other combustible materials.

Garbage. Unwanted organic refuse, largely foods, either unconsumed or spoiled, (excepting ensilage in silos or properly drained stacks) organic wastes from the processing of foods containing natural moisture and a minimum of free liquids.

Refuse. All solid waste and includes garbage, rubbish, and ashes.

Waste. All unwanted materials, including liquid and solid waste materials.

(Ordinance 526 effective 3/24/2008, historical reference 37)

§ 11-9. Receptacles required - Specifications.

The following shall be deemed approved receptacles that will be emptied and returned to the premises.

(A) For ashes. Ashes shall be placed until collected in metal, water-tight containers equipped with handles and a tight fitting metal cover, with a capacity of not less than 15 nor more than 26 gallons.

(B) For garbage and refuse. All garbage and refuse shall be placed and stored until collected in rust-resistant, tight, non-absorbent and easily washable receptacles which are covered with close-fitting lids. These receptacles must be of adequate capacity and must be provided in sufficient number to hold all garbage and refuse that accumulates between collections.

(C) For rubbish. All rubbish, except for large articles, shall be stored in containers suitable for collection purposes.

(Ordinance 526 effective 3/24/2008, historical reference 8, 37)

§ 11-10. Papers, magazines or other light materials.

Papers, magazines, or other light materials liable to be blown about shall be bundled, tied, sacked, or otherwise properly secured and they shall be so packed that they can be easily handled by collectors. (Ordinance 526 effective 3/24/2008, historical reference 519 aka E-34)

§ 11-11. Receptacles - Sanitary condition.

All receptacles shall be washed occasionally and treated with a disinfectant if necessary to prevent a nuisance.

(Ordinance 526 effective 3/24/2008, historical reference 37)

§ 11-12. Precollection practices.

- (A) Garbage, ashes and rubbish shall each be placed and maintained in separate containers.
- (B) All ashes shall be cool and kept dry. (Ordinance 526 effective 3/24/2008)

§ 11-13. Accumulation of refuse.

No refuse shall be allowed to accumulate on any premise or vacant lot except in approved containers, and then only for the purpose of being collected. (Ordinance 526 effective 3/24/2008, historical reference 37)

§ 11-14. Depositing in public places prohibited.

No house refuse, rubbish, filth, offal, garbage, dead animal or part thereof, decaying vegetable matter or organic waste substance of any kind shall be deposited on any street or public place within the corporate limits of the town. (Ordinance 526 effective 3/24/2008, historical reference 37, 519 aka E-34)

§ 11-15. Burning matter liable to cause nauseating smoke or vapor.

No dead animals, garbage, offal, or putrescible matter or any kind or any other matter liable to produce nauseating or offensive smoke or vapors of any kind shall be burned within the town limits except in approved devices. (Ordinance 526 effective 3/24/2008, historical reference 519 aka E-34)

§ 11-16. Periodic inspection of premises.

All premises within the corporate limits of the town shall be inspected periodically for compliance with the requirements of this chapter by the Building Department. (Ordinance 526 effective 3/24/2008, historical reference 37)

§ 11-16.1. Control of rubbish, refuse, garbage, and waste.

If the Building Department determines that garbage, refuse, rubbish, or other waste has accumulated on private property within the town to such an extent that the accumulation presents an immediate threat to the public health, safety, or welfare, the Building Department shall order, by certified or registered mail, return receipt requested, the owner of the property to remove all such rubbish, garbage, refuse, and other waste within five days of the date of the order. If, after the expiration of the five-day period, the refuse, garbage, rubbish, and other waste is not removed from the property, the Building Department shall arrange for the removal of the material by employees of the town or by other persons. Any cost or expense incurred thereby shall be payable by the property owner and shall constitute a lien upon the real property where the work is done. (Ordinance 526 effective 3/24/2008, historical reference 94)

§ 11-16.2. Setting out rubbish or waste for collection.

No refuse or waste shall be set out for collection prior to 5:00 p.m. on the day preceding the regular collection day for such refuse or waste. (Ordinance 526 effective 3/24/2008, historical reference 8, 208)

§ 11-17. Garbage and Refuse – Administrative History.

Ordinance Number 208 passed by the Town of Easton Council on 11/7/1991
Ordinance Number 94, passed by the Town of Easton Council on 7/21/80
Ordinance Number 37, Liber No. 7 passed by the Town of Easton Council on 11/20/1951
Code 1941 Article IV • 26
(Ordinance 526 effective 3/24/2008)

Article III – Refuse Disposal Charges

§ 11-18. Refuse disposal fee imposed.

The Town of Easton shall impose a fee upon all properties from which refuse is collected by the Town for disposal. The amount of the fee for each property shall be determined in the manner set forth in Section 11-25 and shall be used to offset the costs of disposing of refuse at the Mid-Shore Regional Landfill, or at such other facilities as the Town may dispose of refuse in the future. All monies raised by the fees shall be accounted for separately by the Town Clerk and shall be used only for the purposes of paying tipping fees or similar charges imposed by the Mid-Shore Regional Landfill or other landfill utilized by the Town. If the imposition of the fees provided for herein results in a surplus in a given year, the surplus shall be accumulated and used to reduce the amount of the fees imposed in future years. (Ordinance 526 effective 3/24/2008, historical reference 200, 293)

§ 11-19. Refuse disposal fee for single family properties.

An annual refuse disposal fee is imposed against each property in the Town improved by a single family dwelling. The annual fee is set out in Section 11-25 below. (Ordinance 526 effective 3/24/2008, historical reference 200)

§ 11-20. Refuse disposal fee for multi-family properties.

An annual refuse disposal fee is imposed against each property in the Town of Easton improved by for multi-family housing projects. The annual fee shall be calculated according to the number of dwelling units located upon the property. The term "multi-family housing" includes, but is not limited to residential condominiums, apartment complexes and duplexes. The annual fee per dwelling unit is set out in Section 11-25 below. (Ordinance 526 effective 3/24/2008, historical reference 200)

§ 11-21. Refuse disposal fee for commercial and industrial properties.

An annual refuse disposal fee is imposed against all properties in the Town used for industrial or commercial purposes where the Town collects and disposes of refuse for the occupants of the property. The refuse disposal fee for commercial and industrial properties shall be calculated by the volume of refuse generated annually by businesses located upon the property and a commercial property shall be the "commercial refuse unit" which shall equal one hundred and four (104) cubic yards of uncompressed refuse per year. The annual fee per commercial refuse unit is set out in Section 11-25 below. (Ordinance 526 effective 3/24/2008, historical reference 200)

§ 11-22. Adjustments to refuse disposal fee for commercial and industrial properties.

The Town Engineer shall have the authority to determine how many commercial refuse units should be charged to each commercial or industrial property. The basic rate shall be one (1) commercial refuse unit per property. In the event that the amount of refuse generated by a commercial or industrial property exceeds one (1) commercial refuse unit, the Town Engineer may increase the number of commercial refuse units attributed to the property. (Ordinance 526 effective 3/24/2008, historical reference 200)

§ 11-23. Manner of collection; personal obligation of property owner; unpaid refuse disposal fee to constitute lien on real property.

The refuse disposal fee shall be billed to the owner of each parcel of real property within the Town as to which the fee is applicable on an annual basis. The refuse disposal fee shall be due and payable thirty (30) days after the date of mailing of the statement to the owner of the property. An unpaid, overdue refuse disposal fee shall bear interest at the rate of one and one-half per cent per month until paid. An unpaid refuse disposal fee shall constitute a personal obligation of a property owner and shall be a lien against all real and personal property of the owner located within the Town. (Ordinance 526 effective 3/24/2008, historical reference 200)

§ 11-24. Appeal from determination of the Town Engineer.

Any property owner who believes that the Town Engineer has erred in the interpretation or application of the provisions of this Article in determining

- (1) Whether a refuse disposal fee should be charged against the property or
- (2) The amount of such fee may request a review of such determination by the Town Engineer. The Town Engineer shall review the matter, adjust the fee if he believes an adjustment is appropriate, and issue a written response to the property owner. If the property owner is not satisfied by the Town Engineer's determination, he may appeal the determination to Town

Council. Any such appeal must be filed with the Town Office not less than thirty (30) days after the date of the determination by the Town Engineer. Upon receipt of a notice of appeal, the Town Council shall schedule a hearing upon the appeal and shall provide all interested parties with an opportunity to be heard. The Town Council shall issue a written determination of the issue or issues raised by the appeal. The written determination may take the form of an excerpt of the Town Council's minutes. Any party to the appeal before the Town Council may appeal the decision of the Town Council to the Circuit Court for Talbot County in the manner provided by the Maryland Rules of Civil Procedure for administrative appeals.
(Ordinance 526 effective 3/24/2008, historical reference 200)

§ 11-25. Schedule of fees.

The fees for refuse disposal

1. Single family properties:
 - a. \$66.00 per year, effective July 1, 2006
 - b. \$69.00 per year, effective July 1, 2007
 - c. \$72.00 per year, effective July 1, 2008
2. Multi-family properties: \$50.00 per unit per year;
 - a. \$50.00 per dwelling unit per year, effective July 1, 2006
 - b. \$52.00 per dwelling unit per year, effective July 1, 2007
 - c. \$54.00 per dwelling unit per year, effective July 1, 2008
3. Commercial/industrial properties: \$592.00 per year per commercial refuse unit.
 - a. \$296.00 per year per commercial refuse unit, effective July 1, 2006
 - b. \$3082.00 per year per commercial refuse unit, effective July 1, 2007
 - c. \$323.00 per year per commercial refuse unit, effective July 1, 2008

(Ordinance 526 effective 3/24/2008, historical reference 200, 293, 502)

§ 11-26. Refuse Disposal Charges – Administrative History.

Ordinance Number 502 passed by the Town of Easton Council on 6/19/2006.
Ordinance Number 293 passed by the Town of Easton Council on 2/1/1995.
Ordinance Number 200, passed by the Town of Easton Council on 6/27/1991
(Ordinance 526 effective 3/24/2008)