

ORDINANCE NO: 628

AN ORDINANCE OF THE TOWN OF EASTON AMENDING SECTIONS 11-3 AND 11-5 OF THE TOWN CODE MINIMUM LIVABILITY CODE PROVISIONS REGARDING GENERAL PROVISIONS, STAIRWAYS, EMERGENCY ESCAPE AND RESCUE OPENINGS, AND HISTORIC STRUCTURES

Introduced By: _____

WHEREAS, the Town of Easton is authorized to enact ordinances for the enhancement of the health, comfort and convenience of the citizens of the Town of Easton; and

WHEREAS, the Town of Easton is authorized by §12-203 of the Public Safety Article of the Maryland Annotated Code to have in force a minimum livability code that substantially conforms to the Minimum Livability Code adopted by the State; and

WHEREAS, the Town of Easton has enacted the “Minimum Housing Standards Code” and the “International Property Maintenance Code 2009” as the Town’s minimum livability code and has codified the same as Chapter 11 Article 1 of the Town Code; and

WHEREAS, the Town wishes to modify the provisions of the Minimum Housing Standards Code with respect to general provisions, stairways, emergency escape and rescue openings, and historic structures.

NOW, THEREFORE, the Town of Easton hereby ordains that:

Section 1. Chapter 11, Article I, Sections 11-3 of the Easton Town Code is hereby repealed and reenacted with amendments, to read as follows:

§ 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 (Ordinance 628 effective _____, historical reference 301, 371, 404, 449 and 526)

Section 2. Chapter 11, Article I, § 11-5.2.4 of the Easton Town Code is hereby repealed and reenacted with amendments, to read as follows:

§ 11-5.2.4 Chapter 1. Scope and Administration. Delete Section 102.6 Historic Buildings and replace with the following: (Ordinance 627 effective _____, historical reference 526 and 569)

102.6 Historic structures. Except as provided in 102.6.1 and 102.6.2 below, the provisions of this code shall not be mandatory for existing structures designated as historic when such structures are judged by the code official to be safe and in the public interest of health, safety and welfare.

102.6.1 Exteriors. The provisions regarding exteriors including but not limited to Chapter 1 and Chapter 3 specifically sections 108, 109, 301, 302, 303, 304, 306, 307, 308, and 309 shall apply to all historical property, to maintain the historic value of the structure and premise.

102.6.2 Alterations and Change of Occupancy. The provisions of this code and the provisions of the Maryland Building Rehabilitation Code shall apply to all historic structures that undergo alterations, additions or a change of occupancy.

102.6.3 Historic District Commission. All notices and orders, that require building applications and permits, will require the property owner to appear before the Historic District Commission.

For the purposes of this section historic property means any property or structure that is listed in the National Register of Historic Places or determined as a contributing element to a National Register Historic District, or one of the following;

1. Designated as a contributing local resource by survey of a recognized Historian and or the Easton Historic District Commission
2. Determined to be eligible for listing on the National Register of Historic Places by the Governor's Consulting Committee and the State Historic Preservation Officer.
3. Determined to be eligible for listing on the National Register of Historic Places by the Keeper of the National Register of Historic Places.

Section 3. Chapter 11, Article I, § 11-5.2.43 of the Easton Town Code is hereby repealed and reenacted with amendments, to read as follows:

§ 11-5.2.43 Chapter 7. Fire Safety Requirements. Delete Section 702.1 General and replace with the following: (Ordinance 628 effective _____, 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)

Section 4. Chapter 11, Article I, of the Code of the Town of Easton is hereby amended to add a new § 11-5.2.45, to read as follows:

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

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.

Section 5. The existing sections 11-5.2.45 to 11-5.2.48 of the Easton Town Code shall be renumbered as 11-5.2.46 to 11.5.2.49. (Ordinance 628 effective _____)

Section 6. In accordance with Article II Section 9 of the Easton Town Charter, this ordinance shall become effective twenty (20) calendar days after approval by the Mayor or passage of this ordinance by the Council over the Mayor's veto.

Malone -
Leshner -
Wendowski -
Cook -
Ford -

I hereby certify that the above Ordinance was passed by a yea and nay vote of the Council this _____ day of _____, 2013.

John F. Ford, Town Council President

Delivered to the Mayor by me this _____ day of _____, 2013.

Kathy M. Ruf, Town Clerk

APPROVED:

Date: _____

Robert C. Willey, Mayor

EFFECTIVE DATE: _____, 2013.