

Code Revision Workshop

Date: March 23, 2026 **Time:** 4:30 p.m. **Location:** Council Chambers, Easton Town Office, 14 S Harrison Street, Easton.

Attendees: Present were: President Don Abbatiello, Councilmembers Ms. Maureen Curry, Mr. Robert Rankin, Dr. David Montgomery, and Rev. Elmer Davis. Also, present were the Town Attorney Ms. Sharon VanEmburch, Building Code Official Tom Diem, Nick Ewing, Code Enforcement and Town Engineer Rick VanEmburch.

Focus: Revision of Chapters 9-14 of the Town Code

Main Topics Discussed

1. Chapter 9: Fire Prevention Code Updates

a. Transition to Modern Codes

- Existing fire prevention sections date from the 1940s and 1960s—many are outdated.
- The National Fire Protection Association (NFPA) code will be heavily referenced; if town code and NFPA conflict, the stricter provision applies.
- Many outdated or redundant sections are being deleted or replaced with references to up-to-date national codes.

b. Inspection Responsibilities

- The role of the Volunteer Fire Chief in conducting inspections is being minimized; formal inspections will be handled by the building/code department.
- The chief and volunteers will remain closely connected as liaisons and for emergency communication, but will not be burdened with enforcement tasks.

c. Appeals Process

- Redundant appeals to the fire board/council for fire code issues have been cleaned up.
- Appeals will now follow the established Board of Appeals procedure for code official decisions.

d. Fire Apparatus Use and Town Limits

- Old provision (1941) restricting fire apparatus from leaving town limits removed; current practice allows apparatus for fires and emergency response, including outside town limits.
- Non-emergency uses (such as parades) still require mayoral approval.

e. False Alarm Policy

- Historical practice where repeated false alarms from a property resulted in investigation or penalty was discussed.
- The county previously established policies in the early/mid-2010s, but enforcement may have waned due to lack of reporting by local companies.
- The group agreed to **follow up with the county** to determine if a false alarm penalty policy remains active before enacting any town-level policy to avoid overlap or double penalties.

f. Open Burning Regulation (Section 9-11)

- Existing language allows burning lumber in a furnace, stove, or incinerator, but lacks clarity about outdoor/incinerator use.
- Recent complaints about open burning in residential neighborhoods—in particular, outdoor burning resulting in significant smoke—prompted calls for stricter rules and greater consistency.
- Discussion included:
 - Whether to define “incinerator” as an indoor structure only, versus outdoor barrels and similar units.
 - Explicit prohibition of burning leaves, trash, construction debris, etc., both in fire pits and incinerators.
 - Potential for a provision prohibiting burning practices that result in excessive smoke impacting neighboring properties, giving the town enforcement powers.
 - Consideration of a clearer definition for “built-in incinerator.”
 - General agreement to refine the section, prohibit certain materials outright, address smoke, and clarify types of allowable burning.

g. Updates to Cross-Referenced Codes

- Many cross-references updated to the NFPA, eliminating duplicative or outdated code language.
 - Testing agency references modernized (no longer limited to Underwriters Laboratory).
 - Duplicated requirements (such as for directional signs) consolidated.
2. Chapter 11: Minimum Property Maintenance
- Formal adoption of the 2012 property maintenance code.
 - Updates to definitions and weed/nuisance control procedures, reflecting current enforcement practices and experiences.
 - Carbon Monoxide (CO) detector requirements for rentals clarified; such detectors are required by Maryland law since April 2018 and are now enforced in all rental inspections in the town.
- a. Inspection Practices
- Inspections of all premises are periodic and cover exteriors (code enforcement staff are actively monitoring and reporting issues).
 - Noted current efforts to monitor and enforce property upkeep, including addressing derelict or hazardous buildings.
3. Chapter 11 (continued): Refuse and Recycling
- a. Terminology Update & Definitions
- “Garbage” unified to “refuse”; clarified/modernized definitions for “bulk refuse,” “recycling,” and “ineligible waste.”
 - Removal of ashes as a category, as the town no longer collects ashes.
 - Refuse must be placed in “town approved receptacles” (flexibility for future).
 - Elderly or disabled residents may request special collection accommodations.
- b. Collection and Placement
- Clarified all **residential refuse must be at the street**, but commercial pickup may involve collection from private properties.
 - Adjustments to language to fit practical collection logistics, especially in areas with challenging street layouts.
- c. Ineligible Waste & Enforcement
- Specific prohibition of certain materials (e.g., OFFAL, trismol, hazardous materials) in refuse/recycling.
 - Clarity added for what cannot be collected.
- d. Receptacle Placement Timing
- New provision: residents must bring bins back from the curb by 11 PM on collection day; bins may not be set out before 5 PM the prior day.
 - Enforcement is complaint-driven, not proactive.
- e. Bulk Waste & Fee Structure
- Provisions included for the town to establish fees for bulk trash collection—details to be set later via a schedule of fees.
 - Examples from Salisbury: \$25 per bulk item pickup, free yard waste collection up to a limit. Discussion if similar approaches should be adopted.
- f. Short-Term Rentals and Refuse Service
- Consideration if rental properties should be charged commercial or residential rates, since rental cleanouts can generate significant refuse.
- g. Appeals Procedures
- Proposals to align the appeals process for refuse/recycling fees with Board of Appeals, rather than direct to council or Mayor, for clarity and consistency.
 - Council requested notification of fee-related appeals for awareness, even when the process is handled by the Board of Appeals.
 - Key limitation emphasized: appeals should relate to the categorization (e.g., commercial vs. residential), not general opposition to rate changes.
- h. Other Updates
- Clarified mixed-use property billing (to be treated as commercial/industrial).
 - Removed transitional recycling provisions—recycling is now established practice.
 - Strengthened language to regulate commercial dumping and bulk item abuses.

4. Chapter 13 & 14: Affordable Housing Board

- Clarified Affordable Housing Board's member count: **seven members plus one alternate** (rectified previously conflicting references).
- Instituted a requirement that the affordable housing fund be reconciled at least semiannually.

5. Licenses, Permits, and Short-Term Rentals

a. Short-Term Rentals Policy

- Current code requires the owner to reside on-site; stricter than county policies. No changes proposed yet, but some debate: - Some members support either reducing the minimum rental term (from 4 months to 3 months) to attract traveling nurses and similar tenants. - Others caution against loosening requirements, favoring strong controls to avoid problems seen in other jurisdictions.
- Appeals or appeals-like processes considered for unique cases (e.g., apartments above businesses), but caution expressed against creating rules favoring specific cases.
- Discussion that any expansion of permitted short-term rentals (especially above commercial) **must include stronger life safety and inspection procedures.**

b. Accommodations Tax

- Town relies on Talbot County to collect a 4% accommodations tax, but collection is reportedly based on self-reporting by property owners—not integrated with Airbnb/VRBO direct reporting and remittance.
- Town to **verify the process with the county** (meeting scheduled next week) to potentially improve collection through cooperation with online platforms.

c. Electrical Licensing

- Updates made to match state law: electricians need only hold a state license and a county registration—no separate town licensing required.

6. Salary Discussions for Council

- Noted that council members have not had a pay increase since 1999.
- Inflation-adjusted salary would be \$17,000 (from \$10,000/\$12,000 currently).
- Comparison made to other municipalities, some of which have automatic inflation adjustments.
- Any changes approved would only apply after the next election.

Action Items

1. Fire Code/False Alarms - Check with county about current false alarm penalty policy status before enacting any town-level rule.
2. Open Burning Ordinance - Refine language **in Section 9-11 regarding permitted burning, prohibited materials, and handling of excessive smoke impacting neighbors.** - Clarify “incinerator” definition and permissible uses.
3. Refuse Policies - Revise language **for can placement on collection day and clarify collection procedures for commercial and residential properties.** - Finalize bulk collection fee schedule; **consider examples from Salisbury.** - Pursue/clarify enforcement for illegal commercial dumping and abuse.
4. Short-Term Rentals - Evaluate shortening minimum permitted rental term **from four months to three months, especially to facilitate traveling nurses.** - Examine feasibility of special process for non-residential/above-commercial short-term rentals, **with attention to life safety/code compliance.** - Discuss accommodations tax collection and integration with online booking platforms at upcoming county meeting.
5. Council Salary - Consider proposal for salary adjustment with inflationary indexing, with necessary timeline to take effect after next election.
6. Appeals Process - Standardize appeals process for refuse fee disputes, ensuring council notification and that appeals only address account classification/categorization, not rate structure itself.

Follow-Up Points & Upcoming Meetings

- County False Alarm Policy: Await feedback from county on status/practices before taking further action.
- County Accommodations Tax Meeting: Meeting scheduled next week; follow up on tax collection and remittance improvements.
- Refined Drafts of Ordinance Sections: Staff to bring revised ordinance language back for further review, especially burning and refuse collection changes.
- Council review/salary discussion: To be continued at upcoming meeting; potential motion before next election.

Notable Dates and References

- Maryland CO detector law for rentals: **enacted April 2018**.
- Chapter code updates reference standards as of **2026**.
- Last council salary change: **1999**; discussed inflation adjustment to \$17,000.

Summary Comments

- The meeting was primarily focused on bringing code language and enforcement practices up to current standards using national/international references, clarifying outdated provisions, improving enforcement mechanisms, and enhancing transparency and fairness (especially in appeals).
- Notable emphasis was placed on minimizing redundancies, improving customer service for residents, and maintaining town safety and quality of life, particularly concerning fire safety and refuse management.
- The council is conscious of policy overlaps with the county and is pursuing coordinated approaches to shared issues, including false alarm penalties and accommodations tax collection.
- Short-term rental policies remain strict, but with some openness to review based on demonstrated community needs (e.g., traveling nurse accommodations) and evolving economic pressures.

At 5:44 p.m., President Abbatiello adjourned the workshop.