

TO THE RESIDENTS OF THE BOROUGH OF MIDDLETOWN

Notice is hereby given that the Borough Council of the Borough of Middletown will consider for adoption the following Ordinance at the Regular Business Meeting on May 5, 2026 at 7 P.M. in the Council Chambers of Middletown Borough Council located at Borough Hall, 60 West Emaus Street, Middletown, PA 17057.

ORDINANCE NO. 2026-1430

AN ORDINANCE OF THE BOROUGH OF MIDDLETOWN, DAUPHIN COUNTY, PENNSYLVANIA, AMENDING CHAPTER 210, PROPERTY MAINTENANCE, TO ADD PROVISIONS RELATING TO EMERGENCY ESCAPE AND RESCUE OPENINGS FOR BASEMENT SLEEPING ROOMS.

WHEREAS, pursuant to the Borough Code of the Commonwealth of Pennsylvania, including but not limited to Sections 1202(4), 1202(5), 1202(6), 1202(10), 1202(11), and 1202(24), the Borough of Middletown is authorized to regulate the conditions and maintenance of all property, buildings, and structures within the Borough; and

WHEREAS, Chapter 210 (Property Maintenance) of the Borough Code addresses property maintenance within the Borough of Middletown; and

WHEREAS, the Borough Council wishes to amend Chapter 210 (Property Maintenance) of the Middletown Code to require and regulate emergency egress and rescue openings from basement sleeping rooms; and

WHEREAS, Borough Council finds that in order to reduce significant health and safety risks to its citizens, and to first responders, it is in the best interests of the Borough and its residents to provide property maintenance code regulations ensuring a safe and adequate means of egress and rescue from basement sleeping rooms in the event of a fire, active shooter, or other hazard to human life of the public welfare; and

WHEREAS, Borough Council, therefore, wishes to add provisions substantially similar to those held by the Pennsylvania Commonwealth Court in Four Score Property, LLC v. Code Enforcement Appeals Bd., 120 A.3d 1128 (Commw. Ct. 2015), to be valid additions to a local property maintenance code without violating the general prohibition of the Construction Code Act on the retroactive application of amendments to a construction code.

NOW THEREFORE, IT IS HEREBY ORDAINED AND ENACTED, by the authority of the Borough Council of the Borough of Middletown, Dauphin County, Pennsylvania, that the Code of the Borough of Middletown, Part II (General Legislation), Chapter 210 (Property Maintenance) is hereby amended in accordance with this Ordinance.

- I. AMENDMENTS.** Part II (General Legislation), Chapter 210 (Property Maintenance), Section 1 (Adoption of Standards), Section 210-3 of the Code of the Borough of Middletown (the “Code”) is hereby amended to add the following new Subsection “E” as follows, with no other changes being made to Section 210-3:

E. Section 706 is hereby added as follows:

**SECTION 706
EMERGENCY ESCAPE AND RESCUE OPENINGS FOR BASEMENTS**

706.1 Emergency escape and rescue required. Basement sleeping rooms shall have at least one operable emergency and rescue opening. Such opening shall open directly onto a public street, public alley, yard or court. Where basements contain more than one sleeping room, emergency escape and rescue openings shall be required in each sleeping room. Emergency escape and rescue openings shall have a sill height of not more than 44 inches above the floor. The net clear opening dimensions required by this section shall be obtained by the

normal operation of the emergency escape and rescue opening from the inside. Emergency escape and rescue openings with a finished sill height below the adjacent ground elevation shall be provided with a window well in accordance with Section 706.2. Such emergency escape and rescue openings shall open directly onto a public way or to a yard or court that opens onto a public way.

706.1.1 Minimum open area. All emergency escape and rescue openings shall have a minimum net clear opening of 5.7 square feet.

Exception: Grade floor openings shall have a minimum net clear opening of five square feet.

706.1.2 Minimum opening height. The minimum net clear opening height shall be 24 inches.

706.1.3 Minimum opening width. The minimum net clear opening width shall be 20 inches.

706.1.4 Operational constraints. Emergency escape and rescue openings shall be operational from the inside of the room without the use of keys, tools or special knowledge.

706.2 Window wells. The minimum horizontal area of the window well shall be nine (9) square feet with a minimum horizontal projection and width of 36 inches. The area of the window well shall allow the emergency escape and rescue opening to be fully opened.

Exception: The ladder or steps required by Section 706.2.1 shall be permitted to encroach a maximum of six (6) inches into the required dimensions of the window well.

706.2.1 Ladder and steps. Window wells with a vertical depth greater than 44 inches shall be equipped with a permanently affixed ladder or steps usable with the window in the fully open position. Ladders or rungs shall have an inside width of at least 12 inches, shall project at least three inches from the wall and shall be spaced not more than 18 inches on center vertically for the full height of the window well.

706.3 Bars, grilles, covers and screens. Bars, grilles, covers, screens or similar devices are permitted to be placed over emergency escape and rescue openings, bulkhead enclosures or window wells that serve such openings, provided the minimum net clear opening size complies with Sections 706.1.1 through 706.1.3 and such devices shall be releasable or removable from the inside without the use of a key, tool, special knowledge or force greater than that which is required for normal operation of the escape and rescue opening.

706.4 Emergency escape windows under decks and porches. Emergency escape windows are allowed to be installed under decks and porches provided the location of the deck allows the emergency escape window to be fully opened and provides a path not less than 36 inches in height to a yard or court.

II. SEVERABILITY. If any section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance is declared by any reason to be illegal, unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect or impair the validity of this Ordinance or Chapter 210 of the Middletown Code as a whole, or any other section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of this Ordinance or Chapter 210 of the Middletown Code. Borough Council hereby declares that it would have adopted this Ordinance and each section, subsection, phrase and word thereof, irrespective of the fact that any one or more of those sections, sub-sections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases or words may be declared illegal, unconstitutional or invalid.

III. REPEALER. All ordinances or parts of ordinances that are inconsistent herewith shall be and the same expressly are repealed.

If you would like to obtain a copy of the proposed Ordinance prior to the Regular Business Meeting, please contact the Borough Secretary at 717-902-0706 or at gmler1@middletownborough.com.

BOROUGH OF MIDDLETOWN
Grace Miller, Borough Secretary