



CITY OF PORTLAND
Permitting and Inspections Department

Jonathan Rioux, Inspections Director

To: Zoning Board of Appeals
From: Jason Grant, Code Enforcement Life Safety Plan Reviewer
Date: 3/5/2018
RE: 18 North Street Appeal

Background:

The building at 18 North Street is a three unit apartment building that falls within the scope of the 2009 edition of NFPA 101. The existing apartment doors are missing the required labels in accordance section 8.3.3 of the 2009 edition of NFPA 101.

In general, fire doors are a critical (life safety/ fire control) component and passive fire protection system designed to protect an opening with a fire rated barrier. The required Labels are the identifiable marks that prove to the inspectors, AHJs, building owners, or anyone else observing the fire door assembly that it (as tested) will protect the opening. Each label will contain information about the particular door and frame, the manufacturer, the fire-resistance rating, etc.

The owner has asserted the following in his appeal:

1. The burden of proof should be on the City to determine that the fire doors do not meet code;
2. The building does not require fire doors due to the building's proximity (fifty yards) to the fire station;
3. The notice of violation is inaccurate because the existing doors are 1 ¾" thick solid wood doors, which is sufficient; and

1. The burden of proof should be on the City to determine that the fire doors do not meet code:

Section 8.3.3.1, 8.3.3.2.2 and 8.3.3.2.3 of NFPA 101 requires the fire resistance label of required fire door to be equipped with a label and that they are maintained in a legible condition throughout the life of the door. The City is not responsible of the maintenance of the building. That requirement is the property owners responsibility.

The owner admits that the labels to his doors are no longer legible, and there is no way to tell whether the doors are fire-rated. Rather than replace the entire door, the City of Portland has offered the building owner the alternative option of having the doors tested and certified by a third-party. The City of Portland does not have the qualified personnel, and/or equipment to evaluate the fire resistance rating of an existing door.



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2. The requirements should be reduced due to the building's proximity (fifty yards) to the fire station,

There are no provisions in the Life Safety Code to reduced or eliminate code requirements based on the buildings proximity to a fire station.

3. The notice of violation is inaccurate because the existing doors are 1 3/4" thick solid wood doors.

The existing unlabeled 1-3/4" thick solid wood core door are in violation because they do not comply with sections 8.3.3 and 8.3.4 of NFPA 101, 2009 for fire resistance rating and labeling of the doors. The only exception to these requirements is section 31.2.2.1.3 of NFPA 101, 2009 which allow an existing apartment building in compliance with option 2, 3 or 4 of chapter 31 to have 1-3/4" thick solid wood core doors without the required fire resistance rating label. This exemption is not applicable to this building because it is not compliant with options 2 (complete fire alarm system), 3 (common area sprinkler system) or 4 (complete sprinkler system) of chapter 31.

This code requirement requires the building's means of egress to comply with Chapter 7 of NFPA 101 (31.2.1.1). Chapter 7 Section 7.1.3.2.1 requires the exit stair to separated from other parts of the building with a fire resistance rating of 1-hour. The opening protectives in this fire resistance rated enclosure shall comply with section 8.3.4.2 and are required to be 1-hour fire resistance rated. Section 8.3.4.3 allows existing 3/4 -hour rated fire doors to be used in lieu of the required 1-hour doors.

This Section does not apply to this building because fire resistance rating of the existing doors are not established as required per section 8.3.3 of NFPA 101. The City of Portland does not have any personnel and or equipment to evaluated the fire resistance rating of an existing door. Therefore, unless the owner hires an independent reviewer to evaluate the doors and provide the City with their fire resistance rating the doors do not comply with section 8.3.4.3.

Section 31.2.2.1.3 of NFPA 101 gives an exemption to the required fire rated doors in exit stairs where an existing apartment building complies with option 2 (complete monitored fire alarm system), option 3 (common area automatic sprinkler protection) or option 4 (complete automatic sprinkler protection) if the exit is equipped with 1-3/4" thick solid wood core doors that are self closing and latching.

The exemption in Section 31.2.2.1.3 of NFPA 101 exemption does not apply in this building because the building is not compliant with options 2, 3 or 4 outlined in Chapter 31 of NFPA 101.

Therefore, the required fire door assemblies shall provide a 1-hour fire resistance rating or the existing doors shall be certified as providing a 3/4-hour fire resistance rating. Copies of the relevant provisions of NFPA 101 are included in Exhibit 001. The City has been enforcing this particular requirement for more



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than fifteen years, and has also confirmed its interpretation with NFPA. A copy of the City's inquiry and NFPA's confirmation is attached as Exhibit 002.

The (Owner) appellate has several options.

1. Per Section 1.15.1 of NFPA 1, 2009 the existing doors identified in the Notice of Violation shall be permitted to be reviewed at the owner's expense by an independent third party with expertise in the subject matter and determined to have a minimum of a ¾-hour fire resistance rating.
2. The building needs to have either a complete monitored fire alarm installed or a automatic fire sprinkler system installed to bring it into compliance with option 2,3 or 4 outlined in chapter 31 of the Life Safety Code.
3. The doors identified in the Notice of Violation can be replaced with 1-hour fire rated (labeled) doors in accordance with 8.3.4.3 of NFPA 101.