Reviewed for Code Compliance
Inspections Division
Approved with Conditions
Date: 02/22/18

Shipping Container and Change of Use Policy for Commercial Structures

October 18, 2017

Purpose:

To establish a Permitting and Inspections Department (PID) policy for reviewing and approving modified shipping containers that are being changed to a different use for commercially occupied structures.

There is a dearth of building regulation industry guidance for these type of structures and changes of use. The challenge of regulating and ensuring their safety is compounded by the modification occurring outside of Portland, preventing our review and inspection of the normal phases of construction. The fabricator does not have the capacity to ensure building safety standards and the code enforcement agency of origin is not inspecting the modified structures. There are 2 options for the applicant to consider: 1. The building permit applicant contracts with a Third Party Inspector (TPI). PID will review the TPI's qualifications and work products to ensure a compliance outcome of meeting MUBEC, NFPA, local ordinances and other relevant safety standards. 2. The building permit applicant chooses to have the structure partially modified at the manufacturing facility. The interior remains exposed for the usual and customary local inspections and tests after delivery to the site in Portland.

Option 1 Procedure:

1. **The building permit applicant submits a resume for the proposed third party inspector(s) including relevant certifications, three professional references and contact information to permitting@portlandmaine.gov that meets the Maine Department of Public Safety, Bureau of Building Codes and Standards, Section 16-642, Chapter 2: Maine Uniform Building Code and Uniform Energy Code – Third Party Inspectors (TPI) requirements.**

   The proposed TPI must be free from conflicts of interest with the applicant, owner and others of direct financial interest. The TPI must have a minimum of 5 years of experience with each building certification area to be inspected. PID will review the submitted information and determine if the selection criteria are met. PID reserves the right to reject a TPI.

2. **The contractors must apply for Portland electric and plumbing hookup and installation permits. The installer and inspector must be different entities and free of conflicts of interest. Separate permits are also required for heating, ventilation and air conditioning (HVAC) systems and appliances, sprinkler systems, and commercial kitchen hoods.**

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3. **Information submitted by the TPI must meet the Construction File and Inspection Report requirements as specified in the Maine Department of Public Safety, Bureau of Building Codes and Standards, Section 16-642, Chapter 2: Maine Uniform Building Code and Uniform Energy Code – Third Party Inspectors (TPI) document. PID will determine if the requirements are met.**

4. **A notarized letter from the Master Electrician TPI must be submitted on business letterhead and signed:**
   - **Certifying the applicable system was installed in compliance with the adopted code year (current is ok) and date of their work.**
   - **Listing the dimensions of the structure or container and entity contracting the work.**
   - **Identifying the Portland Electrical permit #**

5. **A notarized letter from the Mater Plumber TPI on business letterhead and signed:**
   - **Certifying the applicable system was installed in compliance with the adopted code year (current is ok) and date of their work.**
   - **Listing the dimensions of the structure or container and the entity contracting the work.**
   - **Identifying the Portland Plumbing permit #**

6. **A signed letter that confirms the modifications are in compliance with the design from a structural engineer and with their seal.**

7. **Identify the location of where the container was modified to current condition.**

8. **A Certificate of Occupancy inspection by PID including:**
   - **Electrical and plumbing site hookup.**
   - **Accessible entrance.**
   - **Accessible bathroom.**
   - **All construction performed on site.**

9. **A temporary or conditional certificate of occupancy will not be granted. All requirements must be met for the issuance of a permanent certificate of occupancy.**

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Option 2 Procedure:

1. **A building permit is issued based on approval of all required information. TPI inspections per the Option 1 Procedure are required for any modified elements that are not visible to Portland inspectors**

2. **After the required site work inspections are approved, the partially modified container can be located at the property in Portland.**

3. **Licensed electrical and plumbing contractors shall submit permits to the city for their respective installations and shall assume responsibility for such.**

4. **All modifications and installations shall be inspected by Portland officials for compliance. All required corrections shall be made prior to the covering the work. Additional special inspections and tests may be required by a registered design professional in responsible charge, as approved by the city.**

5. **Final inspections are required for the structure and the site to confirm compliance prior to approval for occupancy.**

6. **A temporary or conditional certificate of occupancy will not be granted. All requirements must be met for the issuance of a permanent certificate of occupancy.**