City of Portland, Maine – Building or Use Permit Application

389 Congress Street, 04101, Tel: (207) 874-8703, FAX: 874-8716

Location of Construction:	Owner:	Phone: cell 831 5618 828 0656	Permit No: 980083
Owner Address:	Lessee/Buyer's Name:	Phone:	BusinessName: Son Jim 671 5758
Contractor Name:	Address:	Phone: #773-0050	
Past Use:	Proposed Use:	COST OF WORK: $	PERMIT FEE: $
		FIRE DEPT. ☑ Approved ☐ Denied Signature:	INSPECTION: Use Group: Type: Signature:
Proposed Project Description:		PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.) Action: Approved ☐ Approved with Conditions: ☐ Denied ☐ Signature: Date:	
Permit Taken By:	Date Applied For:		

PERMIT ISSUED
Permit Issued:
FEB - 5 1998
CITY OF PORTLAND

Zone: CBL:

Zoning Approval: ✓

Special Zone or Reviews:
- ☐ Shoreland
- ☐ Wetland
- ☐ Flood Zone
- ☐ Subdivision
- ☐ Site Plan maj ☐ minor ☐ mm ☐

Zoning Appeal
- ☐ Variance
- ☐ Miscellaneous
- ☐ Conditional Use
- ☐ Interpretation
- ☐ Approved
- ☐ Denied

Historic Preservation
- ☐ Not in District or Landmark
- ☐ Does Not Require Review
- ☐ Requires Review

Action:
- ☐ Appoved
- ☐ Approved with Conditions
- ☐ Denied

Date: _____

1. This permit application does not preclude the Applicant(s) from meeting applicable State and Federal rules.
2. Building permits do not include plumbing, septic or electrical work.
3. Building permits are void if work is not started within six (6) months of the date of issuance. False information may invalidate a building permit and stop all work..

CERTIFICATION

I hereby certify that I am the owner of record of the named property, or that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent and I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in the application is issued, I certify that the code official's authorized representative shall have the authority to enter all areas covered by such permit at any reasonable hour to enforce the provisions of the code(s) applicable to such permit

SIGNATURE OF APPLICANT ADDRESS: DATE: PHONE:

RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE PHONE:

CEO DISTRICT

White–Permit Desk Green–Assessor's Canary–D.P.W. Pink–Public File Ivory Card–Inspector

COMMENTS

3-24-98. Stoped By - Hand Rails - Panneling in Entry Hall Need to Be Removed or covered
Fire Blocking For 3rd Floor Not done
3-26-98 Stop work order told to compleat Fire Requirements
T.E.R. Lt. M. 4-2-98 Fire Blocks will Be instaled For 2nd Floor wall From 1st Floor
4-2-98 Marland wing checked the Plumbing ok Rough in, tub drain and water supply For 3rd Floor Not yet done
4-3-98 Stop work order lifted Ff. Lt. M. Thompson Tom Reinsborough and Mike Neugent
11/12/98 all 1st, Floor cover Plates in place, Smoke Detors all work, Fire doors Front + Back Entrance, 1 hour, OK on Final For c.t. TR.

Inspection Record

Type	Date
Foundation:	
Framing:	
Plumbing:	
Final:	
Other:	

CITY OF PORTLAND, MAINE

Department of Building Inspection

Certificate of Occupancy

LOCATION

Issued to

Date of Issue

This is to certify that the building, premises, or part thereof, at the above location, built — altered — changed as to use under Building Permit No. , has had final inspection, has been found to conform substantially to requirements of Zoning Ordinance and Building Code of the City, and is hereby approved for occupancy or use, limited or otherwise, as indicated below.

PORTION OF BUILDING OR PREMISES	APPROVED OCCUPANCY

Limiting Conditions:

This certificate supersedes certificate issued

Approved:

12-2-98 (Date) *Inspector*

Inspector of Buildings

Notice: This certificate identifies lawful use of building or premises, and ought to be transferred from owner to owner when property changes hands. Copy will be furnished to owner or lessee for one dollar.

BUILDING PERMIT REPORT

DATE: 2/4/98 **ADDRESS:** 42-44 Derrin Ave

REASON FOR PERMIT: Change of use

BUILDING OWNER: Ben Wynn

CONTRACTOR: —

PERMIT APPLICANT: Ben Wynn **APPROVAL:** *1 *8 12 *13 *14 *15 *16 *26 *28 *29 *30 *31 *32 ~~DENIED~~

USE GROUP R-2 **BOCA 1996** **CONSTRUCTION TYPE** 5B (Existing Construction)

CONDITION(S) OF APPROVAL

*A 1. This permit does not excuse the applicant from meeting applicable State and Federal rules and laws.

2. Before concrete for foundation is placed, approvals from the Development Review Coordinator and Inspection Services must be obtained. (A 24 hour notice is required prior to inspection)

3. Precaution must be taken to protect concrete from freezing.

4. It is strongly recommended that a registered land surveyor check all foundation forms before concrete is placed. This is done to verify that the proper setbacks are maintained.

5. Private garages located beneath habitable rooms in occupancies in Use Group R-1, R-2, R-3 or I-1 shall be separated from adjacent interior spaces by fire partitions and floor/ceiling assembly which are constructed with not less than 1-hour fire resisting rating. Private garages attached side-by-side to rooms in the above occupancies shall be completely separated from the interior spaces and the attic area by means of ½ inch gypsum board or the equivalent applied to the garage means of ½ inch gypsum board or the equivalent applied to the garage side. (Chapter 4 Section 407.0 of the BOCA/1996)

6. All chimneys and vents shall be installed and maintained as per Chapter 12 of the City's Mechanical Code. (The BOCA National Mechanical Code/1993).

7. Sound transmission control in residential building shall be done in accordance with Chapter 12 section 1214.0 of the city's building code.

*8. Guardrails & Handrails: A guardrail system is a system of building components located near the open sides of elevated walking surfaces for the purpose of minimizing the possibility of an accidental fall from the walking surface to the lower level. Minimum height all Use Groups 42" , except Use Group R which is 36". In occupancies in Use Group A, B, H-4, I-1, I-2 M and R and public garages and open parking structures, open guards shall have balusters or be of solid material such that a sphere with a diameter of 4" cannot pass through any opening. Guards shall not have an ornamental pattern that would provide a ladder effect. (Handrails shall be a minimum of 34" but not more than 38". Use Group R-3 shall not be less than 30", but not more than 38".)

9. Headroom in habitable space is a minimum of 7'6".

10. Stair construction in Use Group R-3 & R-4 is a minimum of 10" tread and 7 3/4" maximum rise. All other Use group minimum 11" tread, 7" maximum rise.

11. The minimum headroom in all parts of a stairway shall not be less than 80 inches. (6' 8")

*12. Every sleeping room below the fourth story in buildings of use Groups R and I-1 shall have at least one operable window or exterior door approved for emergency egress or rescue. The units must be operable from the inside without the use of special knowledge or separate tools. Where windows are provided as means of egress or rescue they shall have a sill height not more than 44 inches (1118mm) above the floor. All egress or rescue windows from sleeping rooms shall have a minimum net clear opening height dimension of 24 inches (610mm). The minimum net clear opening width dimension shall be 20 inches (508mm), and a minimum net clear opening of 5.7 sq. ft.

(13.) Each apartment shall have access to two (2) separate, remote and approved means of egress. A single exit is acceptable when it exits directly from the apartment to the building exterior with no communications to other apartment units.

(14.) All vertical openings shall be enclosed with construction having a fire rating of at lest one (1)hour, including fire doors with self closer's.

(15.) The boiler shall be protected by enclosing with (1) hour fire-rated construction including fire doors and ceiling, or by providing automatic extinguishment. w/smoke separation

*16. All single and multiple station smoke detectors shall be of an approved type and shall be installed in accordance with the provisions of the City's Building Code Chapter 9, Section 19, 920.3.2 (BOCA National Building Code/1996), and NFPA 101 Chapter 18 & 19. (Smoke detectors shall be installed and maintained at the following locations):

- In the immediate vicinity of bedrooms
- In all bedrooms

- In each story within a dwelling unit, including basements

In addition to the required AC primary power source, required smoke detectors in occupancies in Use Groups R-2, R-3 and I-1 shall receive power from a battery when the AC primary power source is interrupted. (Interconnection is required)

17. A portable fire extinguisher shall be located as per NFPA #10. They shall bear the label of an approved agency and be of an approved type.
18. The Fire Alarm System shall be maintained to NFPA #72 Standard.
19. The Sprinkler System shall maintained to NFPA #13 Standard.
20. All exit signs, lights, and means of egress lighting shall be done in accordance with Chapter 10 Section & Subsections 1023. & 1024. Of the City's building code. (The BOCA National Building Code/1996)
21. **No construction or demolition work shall begin until you have obtained permits for dumpsters or containers. A work Stop Order shall be issued if this requirement is not met.**
22. Section 25-135 of the Municipal Code for the City of Portland states, "No person or utility shall be granted a permit to excavate or open any street or sidewalk from the time of November 15 of each year to April 15 of the following year".
23. The builder of a facility to which Section 4594-C of the Maine State Human Rights Act Title 5 MRSA refers, shall obtain a certification from a design professional that the plans commencing construction of the facility, the builder shall submit the certification to the Division of Inspection Services.
24. This permit does not excuse the applicant from obtaining any license which may be needed from the City Clerk's office.
25. Ventilation shall meet the requirements of Chapter 12 Sections 1210. of the City's Building Code.
26. All electrical, plumbing and HVAC permits must be obtained by a Master Licensed holders of their trade.
27. All requirements must be met before a final Certificate of Occupancy is issued.
28. All building elements shall meet the fastening schedule as per Table 2305.2 of the City's Building Code. (The BOCA National Building Code/1996).
29. Ventilation of spaces within a building shall be done in accordance with the City's Mechanical Code (The BOCA National Mechanical Code/1993).
30. Our record show That This was a Legal Three Family dwelling and was changed into an Illegal 4 unit without permit. This permit is being issued To place This building into its Legal use with The Conditions set forth by This permit.
31. Please read and implement attached ~~building~~ Land Use-Zoning reports requirements #6 *9.
32. ALL walls That separate dwelling unit, must have a Fire resistance rating of one hour.
34.

P. Samuel Hoffses, Code Enforcement

cc: Lt. McDougall, PFD
Marge Schmuckal

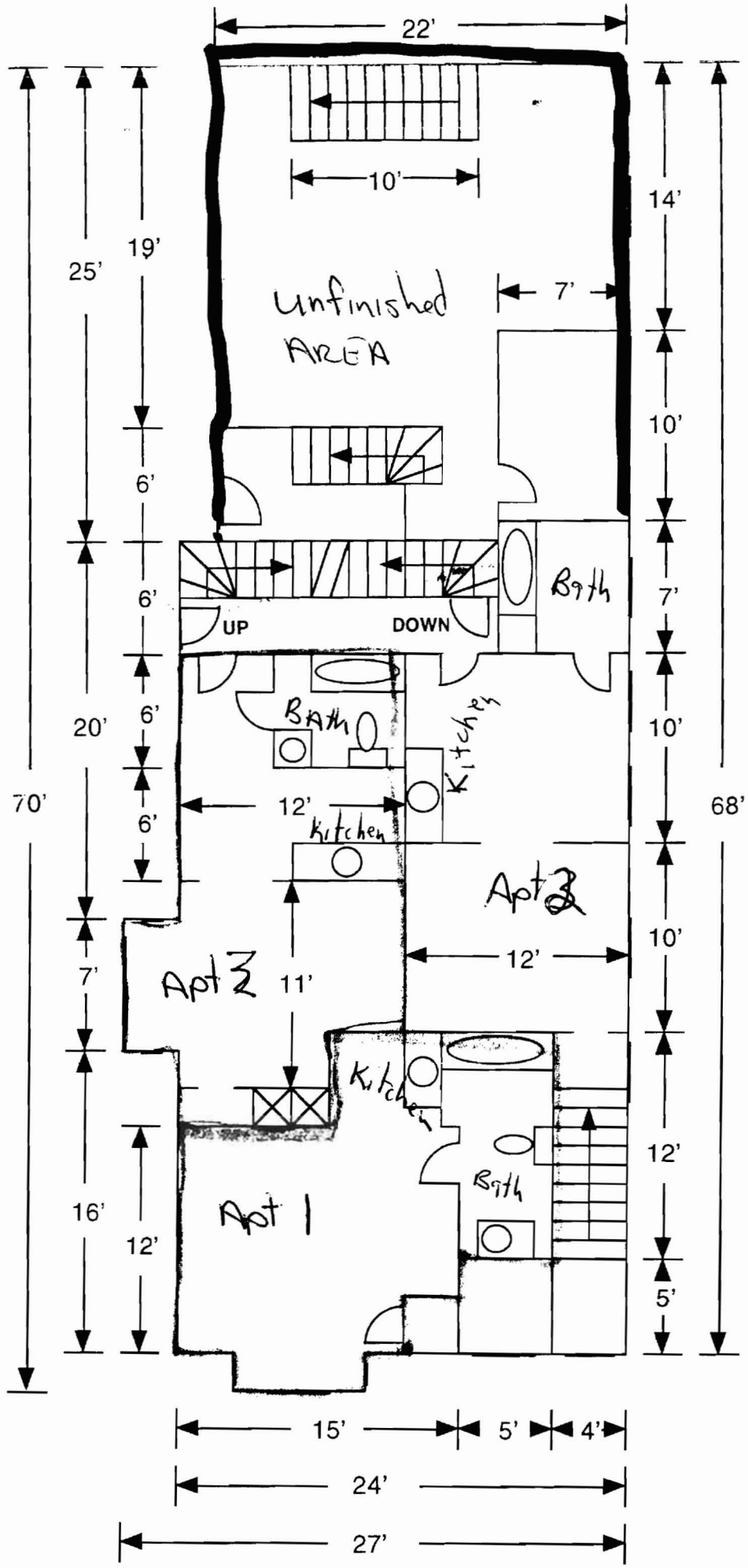
Permit request for renovations at 42-44 Deering Ave

My name is Rene J Wynn, I recently purchased 42-44 Deering Ave. apartment building. It is currently a legal 4 unit building according to records. There are 3 small apartments on the first floor, a small bedroom on the second floor, an apartment on the 3rd floor that has not by evidence been used for many years. I am proposing to make each of the three front existing floors into 2 bedroom apartments. Removing 2 baths & 2 kitchens on the first floor, adding a 2nd bedroom on the 2nd floor which exists as an unused area, needs to be connected by a door. The third floor needs some new drywall and plumbing fixture connected, it was originally thery one small wall change on third as shown in drawing.

The rear of the building was once a proposed appartment but never finished off, exterior walls exist and a stairway existed. That stairway will come down and another existing stairway will be used. A kitchen and 2 baths will be installed. We will end up with 4 2 bedroom apartments and 5 bath rooms. The propose cost is $20,000.00

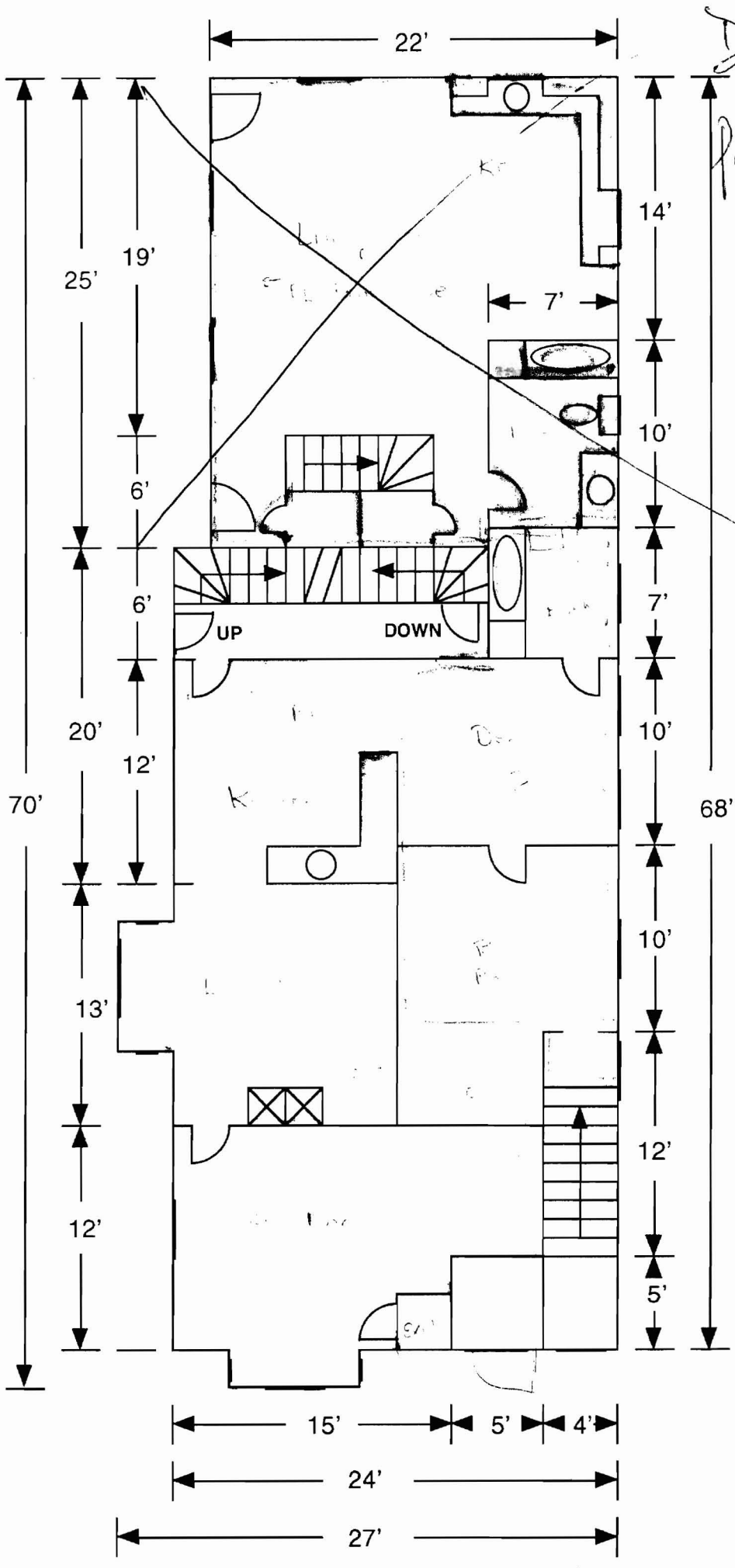
Rene J Wynn

Jan 14 1998



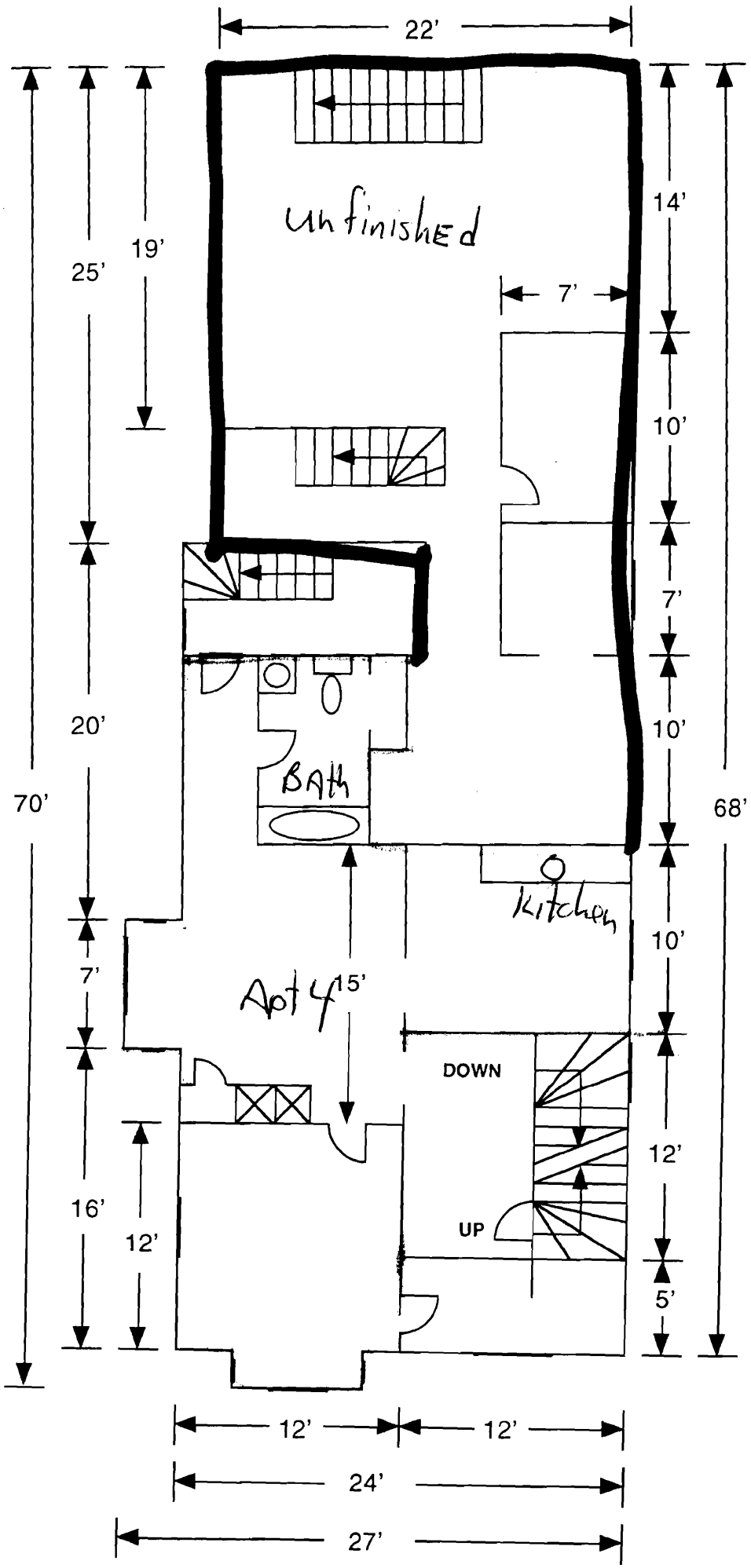
1ST FLOOR DEERING

Existing



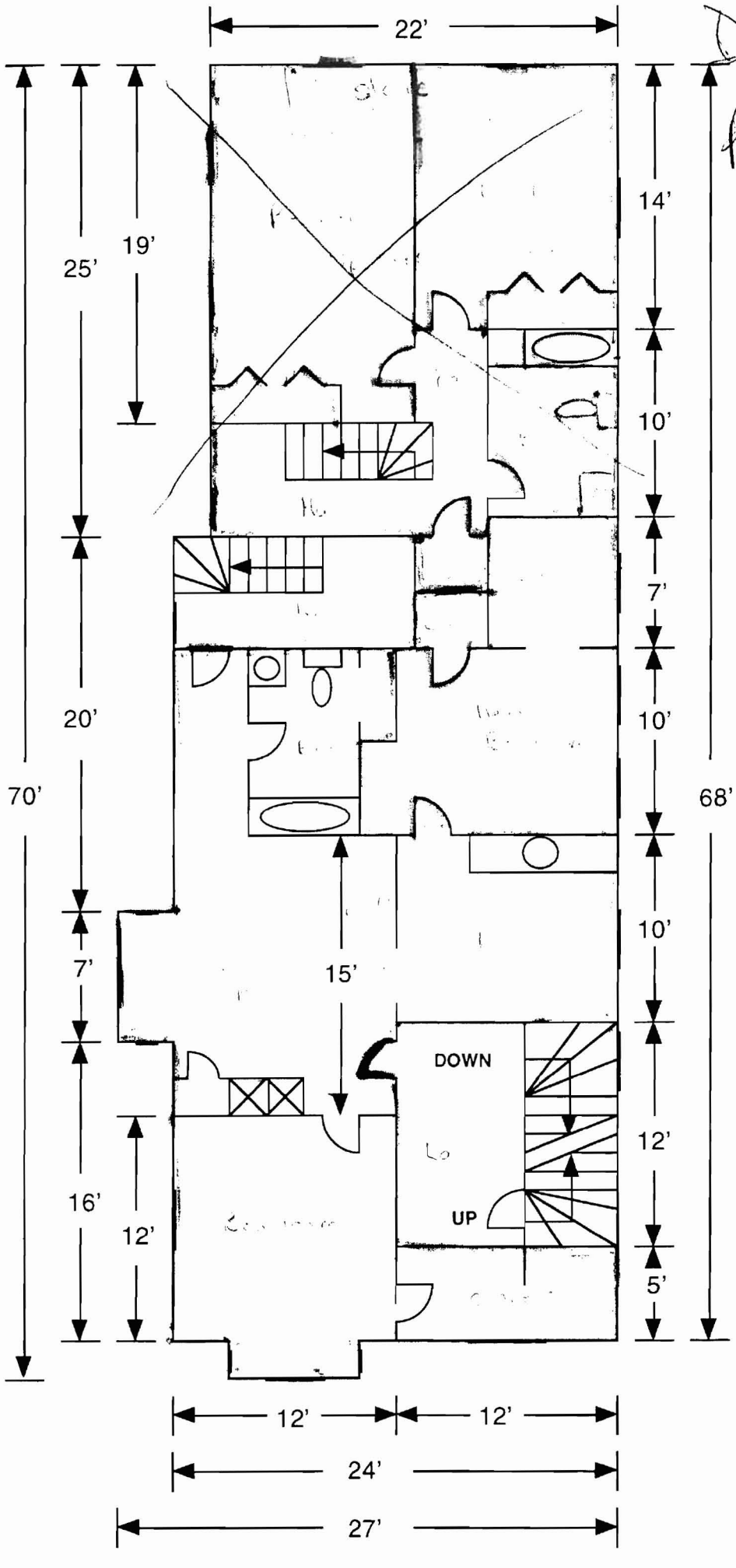
Deleting rear proposed unit to keep legal # of units

1ST FLOOR DEERING PROPOSED



2ND FLOOR DEERING

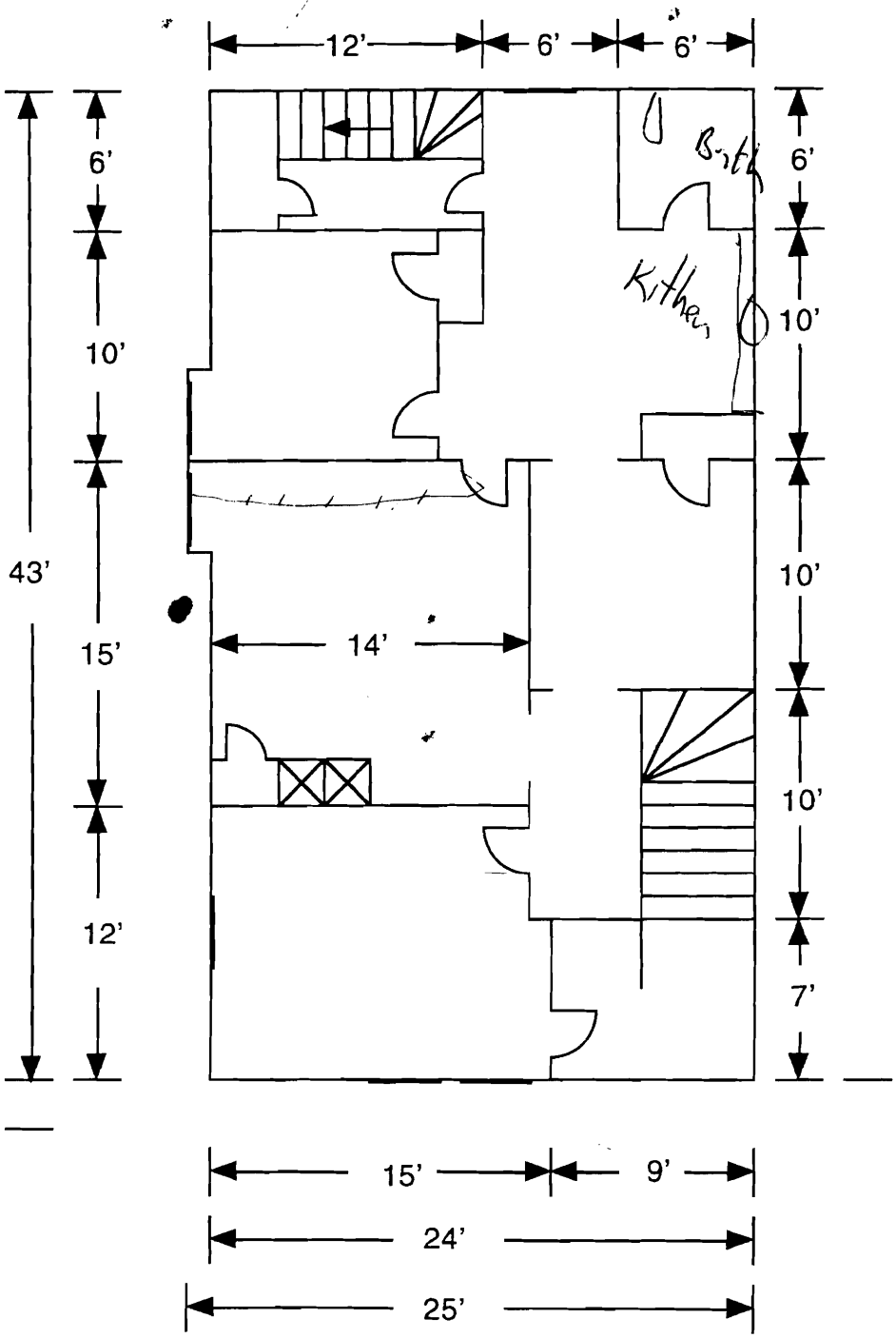
Existing



Deleting rear proposed unit to keep legal # of units

2ND FLOOR
DEERING
PROPOSED

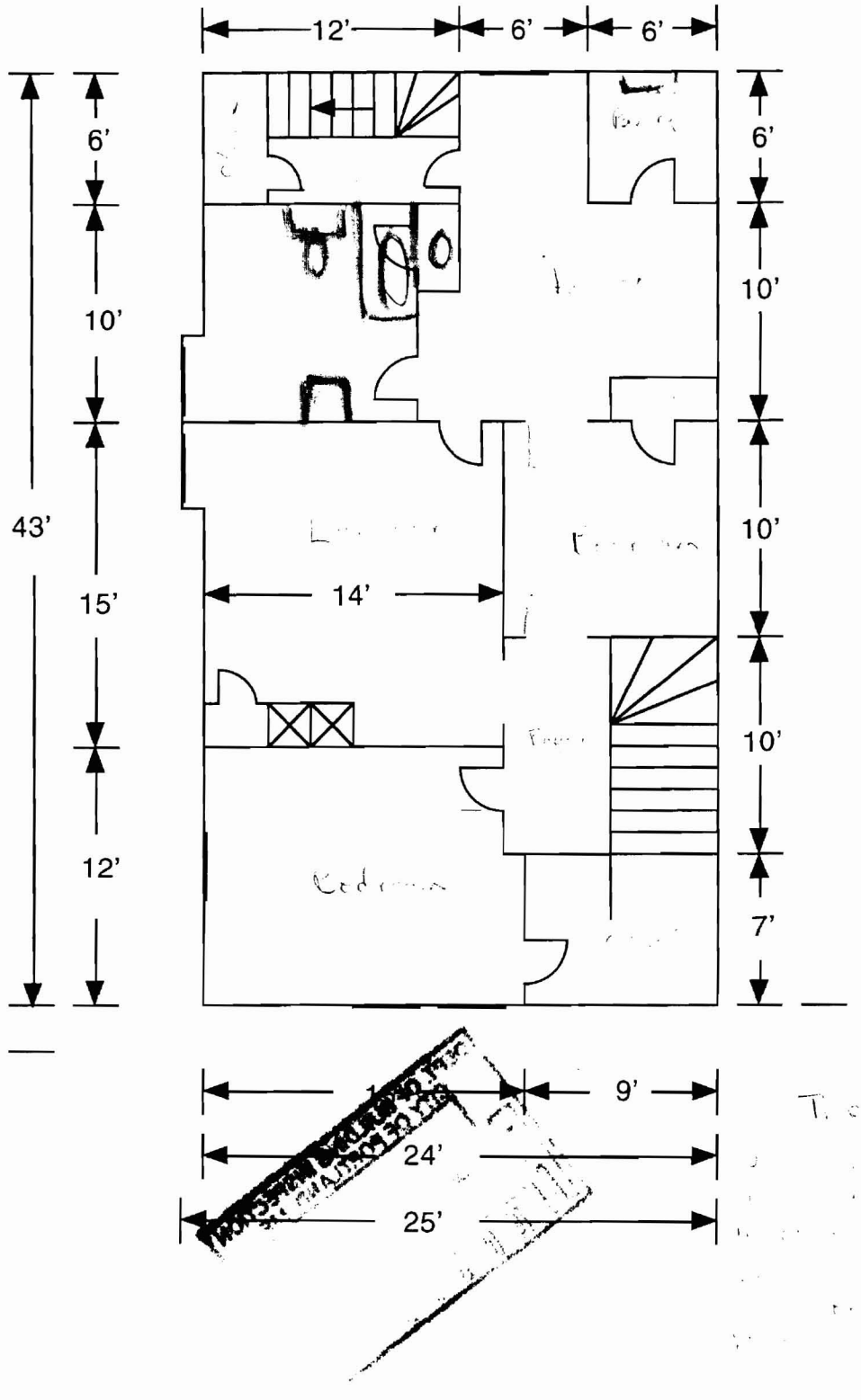
Rena J Wynn



3RD FLOOR DEERING

Existing

3RD FLOOR
DEERING



RPPLST6 CAMA Real Property System - Residential Display 1/20/98

RPP092 Parcel Id: 053- - C-012-001 01/01 Acct: P0379098 11:42

Property Address 42 DEERING AVE

Owner Name1 PARADISE LOIS M & NOEL E (l, f, i)

Name2

Address 44 SHEFFIELD ST

City/State/Zip PORTLAND ME 04102

Entrance Code 1 Land Use 13 # of Units 3

Route 49 Zone R6 Nbhd 102 District 12 Traffic 3

Total Sq Ft

Utilities 2 3 4 Desc 53-C-12 Living Area 2,860

DEERING AVE 42-44

3667 SF

House Style 5 Year Built 1874 Total Rms 10 Total Bedrms 04

Baths Full 3 Half 0 Kitchen Remodeled 2 Bath Remodeled 2 Basement 4

Attic 4 Phy Cond 4 CDU VP Heating Type 2 2 2 Wood/Coal Burn 0

Next Screen [_] Bldg Sketch Screen [_] Return [_]

Sec 14-439(2)a

CS MAINE PRINTING CO., PORTLAND

(COPY)

CITY OF PORTLAND, MAINE
Department of Building Inspection

Certificate of Occupancy

LOCATION 40-42 Deering Ave.

Issued to Byron Finkelman Date of Issue March 26, 1956

This is to certify that the building, premises, or part thereof, at the above location, ~~built~~—altered —changed as to use under Building Permit No. 55/1676, has had final inspection, has been found to conform substantially to requirements of Zoning Ordinance and Building Code of the City, and is hereby approved for occupancy or use, limited or otherwise, as indicated below.

PORTION OF BUILDING OR PREMISES	APPROVED OCCUPANCY
Entire	3-family Apartment House One family on each floor

Limiting Conditions:

This certificate supersedes certificate issued

Approved:

3/23/56 Nelson F. Cartwright
(Date) Inspector

Warren Donald
Inspector of Buildings

Notice: This certificate identifies lawful use of building or premises, and ought to be transferred from owner to owner when property changes hands. Copy will be furnished to owner or lessee for one dollar.

REAL ESTATE ASSESSMENT RECORD — CITY OF PORTLAND, MAINE

CURR. DESC.	LAND NOS.	STREET	BLDG. NO.	CARD NO.	DEVELOPMENT NO.	AREA	DIST.	ZONE	CHART	BLOCK	LOT	CURR. DESC.
	42-44	Deering Ave.		OF	-		2		53	C	12	

TAXPAYER ADDRESS AND DESCRIPTION

WARREN EFFIE M
44 DEERING AVENUE
CITY

REAL ESTATE-PORTLAND ME ASSESSORS
PLANS ON FILE IN ASSESSORS OFFICE
CITY HALL PLAN 53-C-12 DEERING AVE
#42-44 AREA 3667 SQ FT

RECORD OF TAXPAYER	YEAR	BOOK	PAGE
Clemons, Harold Francis	1950	1972	130
Finkelman Myron	1955		

PROPERTY FACTORS

TOPOGRAPHY		IMPROVEMENTS	
LEVEL	✓	WATER	
HIGH		SEWER	
LOW		GAS	
ROLLING	✓	ELECTRICITY	
SWAMPY		ALL UTILITIES	✓
STREET		**TREND OF DISTRICT**	
PAVED	✓	IMPROVING	
SEMI-IMPROVED		STATIC	
DIRT		DECLINING	
SIDEWALK	✓		

TILLABLE	PASTURE	WOODED	WASTE

LAND VALUE COMPUTATIONS AND SUMMARY

FRONTAGE	DEPTH	UNIT PRICE	DEPTH FACTOR	FRONT FT. PRICE	YEAR 1951	1956
41	90	50.00	96	48.00	1970	
		Topo -10%				
TOTAL VALUE LAND					1970	1970
TOTAL VALUE BUILDINGS					3890	4250
TOTAL VALUE LAND AND BUILDINGS					5860	
SQ. FT. TO—FROM CH.		BLK.	LOT			
SQ. FT. TO—FROM CH.		BLK.	LOT			

LAND VALUE COMPUTATIONS AND SUMMARY

FRONTAGE	DEPTH	UNIT PRICE	DEPTH FACTOR	FRONT FT. PRICE	19	19
TOTAL VALUE LAND						
TOTAL VALUE BUILDINGS						
TOTAL VALUE LAND AND BUILDINGS						
SQ. FT. TO—FROM CH.		BLK.	LOT			
SQ. FT. TO—FROM CH.		BLK.	LOT			

LAND VALUE COMPUTATIONS AND SUMMARY

FRONTAGE	DEPTH	UNIT PRICE	DEPTH FACTOR	FRONT FT. PRICE	19	19
TOTAL VALUE LAND						
TOTAL VALUE BUILDINGS						
TOTAL VALUE LAND AND BUILDINGS						
SQ. FT. TO—FROM CH.		BLK.	LOT			
SQ. FT. TO—FROM CH.		BLK.	LOT			

LAND VALUE COMPUTATIONS AND SUMMARY

FRONTAGE	DEPTH	UNIT PRICE	DEPTH FACTOR	FRONT FT. PRICE	19	19
TOTAL VALUE LAND						
TOTAL VALUE BUILDINGS						
TOTAL VALUE LAND AND BUILDINGS						
SQ. FT. TO—FROM CH.		BLK.	LOT			
SQ. FT. TO—FROM CH.		BLK.	LOT			

YEAR ORIG. COST	RENTAL 720
YEAR SALE PRICE	EXPENSE
YEAR U. S. R. S.	NET

ASSESSMENT RECORD

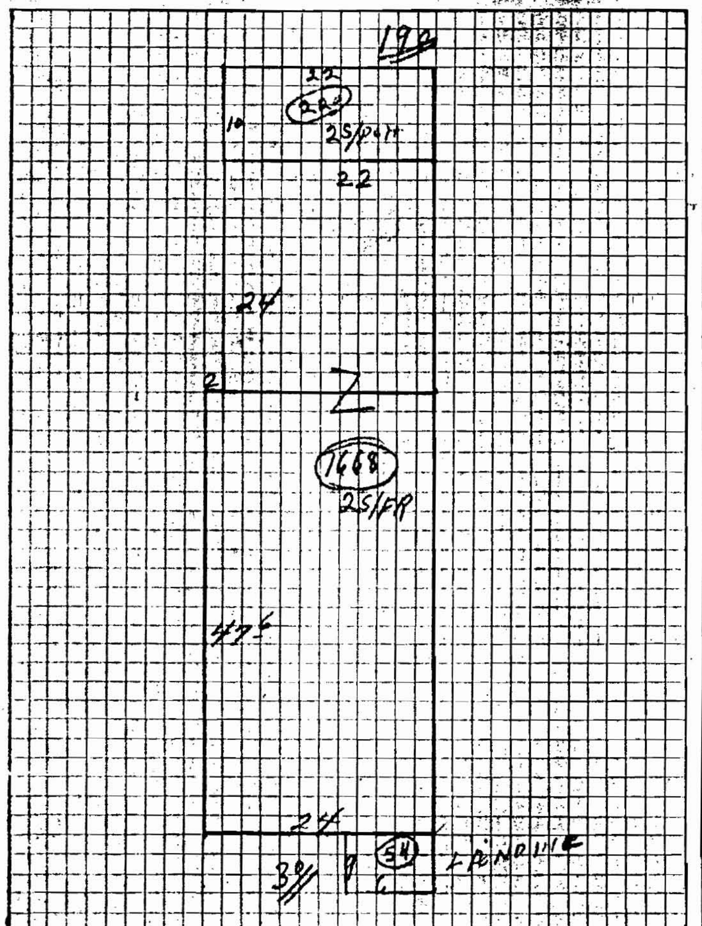
YEAR		ASSESSMENT	INCREASE	DECREASE
1950	LAND	725		
	BLDGS.	2375		
	TOTAL	3100		
1951	LAND	1175		
	BLDGS.	2325		
	TOTAL	3500		
1956	LAND	1175		
	BLDGS.	2550	225	
	TOTAL	3725		
19	LAND			
	BLDGS.			
	TOTAL			
19	LAND			
	BLDGS.			
	TOTAL			
19	LAND			
	BLDGS.			
	TOTAL			
19	LAND			
	BLDGS.			
	TOTAL			
19	LAND			
	BLDGS.			
	TOTAL			
19	LAND			
	BLDGS.			
	TOTAL			
19	LAND			
	BLDGS.			
	TOTAL			

COLE-LAYER-TRUMBLE CO.---DAYTON, OHIO

RECORD OF BUILDINGS

GRADE DENOTES QUALITY OF CONSTRUCTION: A—EXCELLENT; B—GOOD; C—AVERAGE; D—CHEAP; E—VERY CHEAP

#188 YEAR 19 JAN 24 '56 | YEAR 19



RENT 1ST 30 Mo.
" 2ND 30 EST OWNER
60

9/23/55 - 1676 - 200 - Change from 2 to 3 family dwlg. cut in new door & windows & part. all new by above
12/30/55 - 2890 - 1 sink, lav, wc, tub & heat ✓
11/10/58 6798 SINK LAV TOI. NC

CONSTRUCTION

FOUNDATION
- CONCRETE
- CONCRETE BLOCK
- BRICK OR STONE ✓
- PIERS
- CELLAR AREA FULL ✓
- ¼ ½ ¾
- NO. CELLAR

EXTERIOR WALLS
- CLAPBOARDS ✓
- WIDE SIDING
- DROP SIDING
- NO SHEATHING
- WOOD SHINGLES
- ASBES. SHINGLES
- STUCCO ON FRAME
- STUCCO ON TILE
- BRICK VENEER
- BRICK ON TILE
- SOLID BRICK
- STONE VENEER
- CONC. OR CIND. BL.
- TERRA COTTA
- VITROLITE
- PLATE GLASS
- INSULATION
- WEATHERSTRIP

ROOFING
- ASPH. SHINGLES ✓
- WOOD SHINGLES
- ASBES. SHINGLES
- SLATE TILE
- METAL
- COMPOSITION
- ROLL ROOFING
- INSULATION

FLOOR CONST.
- WOOD JOIST ✓
- STEEL JOIST
- MILL TYPE
- REIN. CONCRETE

FLOOR FINISH

	B	1	2	3
CEMENT	✓			
EARTH				
PINE		✓	✓	
HARDWOOD				
TERRAZZO				
TILE				

- ATTIC FLR. & STAIRS ✓

INTERIOR FINISH

	B	1	2	3
PINE		✓	✓	
HARDWOOD				
PLASTER		✓	✓	
UNFINISHED	✓			
METAL CLG.				

- RECREAT. ROOM
- FINISHED ATTIC 75% ✓
- FIREPLACE

HEATING
- PIPELESS FURNACE
- HOT AIR FURNACE
- FORCED AIR FURN.
- STEAM ✓
- HOT WAT. OR VAPOR
- NO HEATING
- GAS BURNER
- OIL BURNER ✓
- STOKER

PLUMBING
- BATHROOM 3 2 ✓
- TOILET ROOM
- WATER CLOSET
- LAVATORY
- KITCHEN SINK 3 2 ✓
- STD. WAT. HEAT
- AUTO. WAT. HEAT 2 ✓
- ELECT. WAT. SYST.
- LAUNDRY TUBS
- NO PLUMBING

TILING
- BATH FL. & WCOT.
- TOILET FL. & WCOT.

LIGHTING
- ELECTRIC ✓
- NO LIGHTING

NO. OF ROOMS
- BSMT. | 2ND 6
- 1ST 6 | 3RD

OCCUPANCY
- SINGLE FAMILY
- TWO FAMILY ✓
- APARTMENT 3
- STORE
- THEATRE
- HOTEL
- OFFICES
- WAREHOUSE
- COMM. GARAGE
- GAS STATION

ECONOMIC CLASS
- OVER BUILT
- UNDER BUILT

DT. 6/1/1950 AR. CS
LD. 7 PD. CS
MS. CK. 3 ✓

COMPUTATIONS

UNIT	1951	1956
1668 S.F.	9790	9570
S.F.		
ADDITIONS	+220	+220
BASEMENT		
WALLS		
ROOF		
FLOORS		
ATTIC 3/4	+480	+480
FINISH		
2.23/BAY	+220	+220
FIREPLACE		
HEATING	+340	+340
PLUMBING	+320	Base
TILING		
TOTAL	11370	10830
FACT. +10	980	+960
REP. VAL.	12350	11790

Econ

SUMMARY OF BUILDINGS

OCC'Y	TYPE	GR.	AGE	REMOD.	COND.	REP. VAL.	P. D.	PHY. VAL.	F. D.	SOUND VAL.	TAX VAL.
RPT	A 25/FR	C	66		F	12,350	55%	5560	30% A	3890	2321
	B					11790	65%	5310	20%	4250	2550
	C								C		
	D								D		
	E								E		
	F								F		
	G								G		

YEAR	1951				1951 TOTAL BLDGS.	3890	2321
TAX VAL.				TAX VALS.	1956 2550	19	
OLD VAL.	2375				19	19	
CHANGE					19	19	

Applicant: *Date:*

Address: *C-B-L:* 53-C-12

CHECK-LIST AGAINST ZONING ORDINANCE

Date - 1974 - Existing

Zone Location - R-6

Interior or corner lot - 1

Proposed Use/Work - Change of use from 3 units ~~to 4 units~~ with interior renovations 1/30/98 revised 3 units with interior renovations

Sewage Disposal - City

Lot Street Frontage -

Front Yard -

Rear Yard - existing

Side Yard -

Projections -

Width of Lot -

Height -

Lot Area - 3667# per Assessors

Lot Coverage/ Impervious Surface - NO 3,000

Area per Family - 1,000# / unit OR ~~4,000#~~

3 units OK under

Off-street Parking - shall not create a new unit less than 600#

Loading Bays -

Site Plan - shall not reduce an existing unit to under 1000#

Shoreland Zoning/ Stream Protection - N/A

Flood Plains - N/A No outside stairway

LAND USE - ZONING REPORT

ADDRESS: 42-44 Deering Ave DATE: 1/30/98

REASON FOR PERMIT: make interior Alterations for 3 units only

BUILDING OWNER: Rena J. Wynn C-B-L: 53-C-12

PERMIT APPLICANT: owner

APPROVED: With conditions DENIED: _____

#6, #9

CONDITION(S) OF APPROVAL

1. During its existence, all aspects of the Home Occupation criteria, Section 14-410, shall be maintained.
2. The footprint of the existing _____ shall not be increased during maintenance reconstruction.
3. All the conditions placed on the original, previously approved, permit issued on _____ are still in effect for this amendment.
4. Your present structure is legally nonconforming as to rear and side setbacks. If you were to demolish the building on your own volition, you will not be able to maintain these same setbacks. Instead you would need to meet the zoning setbacks set forth in today's ordinances. In order to preserve these legally non-conforming setbacks, you may only rebuild the garage in place and in phases.
5. This property shall remain a single family dwelling. Any change of use shall require a separate permit application for review and approval.
6. Our records indicate that this property has a legal use of Three units. Any change in this approved use shall require a separate permit application for review and approval.
7. Separate permits shall be required for any signage.
8. Separate permits shall be required for future decks and/or garage.
9. Other requirements of condition It is my understanding from you that the presently VACANT AREA in the rear of your structure will remain VACANT. No additional kitchen equipment other than for the three units shall be installed

Marge Schmuckal

Marge Schmuckal, Zoning Administrator,
Asst. Chief of Code Enforcement

Inspection Services
Michael J. Nugent
Manager

Department of Urban Development
Joseph E. Gray, Jr.
Director

CITY OF PORTLAND

March 26, 1998

Rena J. Wynn
135 Keswick Rd
So. Portland ME 04106

Certified Mail Receipt # Z 167 877 615

RE: 42-44 Deering Ave
CBL: 053-C-012

Dear Ms. Wynn

An evaluation of your property at 42-44 Deering Ave on March 25, 1998 revealed that the structure fails to comply with the following sections of the BOCA code of the City of Portland.

117.1 Non compliance of conditions of approval condition #13, condition #14, condition #26 and condition #32.

721.1 See attached

721.2 See attached

721.3 See attached

721.5 See attached

721.6.4 See attached

717.1 See attached

717.5 See attached

This is a **STOP WORK ORDER** pursuant to section 117.1 of the Building Code (1996 BOCA). All construction activity must STOP immediately.

Failure to comply wit result in this office referring the matter to the Cit of Portland Corporation Counsel for legal action and possible civil penalties, as provided for in Section 1-15 of the Code and in title 30-A M.R.S.A. ss 4452.

This constitutes an appealable decision pursuant to Section 121.5 of the Code. Please feel free to contact me at 874-8693, if you wish to discuss the matter or have any questions.

Sincerely,

Tom Reinsborough
Code Enforcement Officer

/sap

cc: Central File

116.3 Prosecution of violation: If the notice of violation is not complied with promptly, the code official shall request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

116.4 Violation penalties: Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, construct, *alter* or repair a building or structure in violation of an approved plan or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a [SPECIFY OFFENSE], punishable by a fine of not more than [AMOUNT], or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

116.5 Abatement of violation: The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to prevent unlawful construction or to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises or to stop an illegal act, conduct, business or occupancy of a building or structure on or about any premises.

SECTION 117.0 STOP WORK ORDER

117.1 Notice to owner: Upon notice from the code official that work on any building or structure is being prosecuted contrary to the provisions of this code or in an unsafe and dangerous manner, such work shall be immediately stopped. The stop work order shall be in *writing* and shall be given to the *owner* of the property involved, or to the *owner's* agent, or to the person doing the work; and shall state the conditions under which work will be permitted to resume.

117.2 Unlawful continuance: Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than [AMOUNT] or more than [AMOUNT].

SECTION 118.0 CERTIFICATE OF OCCUPANCY

118.1 General: A certificate of occupancy, indicating completion of the work for which a permit was issued, shall be obtained prior to any occupancy of a structure except as provided for in Section 118.2.

118.2 Temporary occupancy: Upon the request of the holder of a permit, a temporary certificate of occupancy shall be issued before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely prior to full completion of the structure without endangering life or public welfare. Any occupancy permitted to continue during the work shall be discontinued within 30 days after completion of the work unless a certificate of occupancy is issued by the code official.

118.3 Issuance of certificate: Upon *written* request from the *owner* of an existing structure, the code official shall issue a certificate of occupancy, provided that there are not violations of law or orders of the code official pending, and it is established after inspection and investigation that the alleged occupancy of the structure has heretofore existed. This code shall not require the removal, *alteration* or abandonment of, or prevent the continuance of, the occupancy of a lawfully existing structure, unless such use is deemed to endanger public safety and welfare.

118.4 Contents of certificate: When a structure is entitled thereto, the code official shall issue a certificate of occupancy within ten days after *written* application. Upon completion of the final inspection in accordance with Section 113.3 and correction of the violations and discrepancies, the certificate of occupancy shall be issued. The certificate of occupancy shall specify the following.

1. The edition of the code under which the permit was issued.
2. The use group and occupancy, in accordance with the provisions of Chapter 3.
3. The type of construction as defined in Chapter 6.
4. If an *automatic sprinkler system* is provided, whether the *sprinkler system* is required.
5. The hazard classification or storage configuration, including aisle widths, for which the *automatic sprinkler system* is designed.
6. The *automatic sprinkler* and *standpipe system* demand at the base of the riser.
7. Any special stipulations and conditions of the building permit.

SECTION 119.0 UNSAFE STRUCTURES AND EQUIPMENT

119.1 Conditions: All structures or existing equipment which are or hereafter become unsafe, unsanitary or deficient because of inadequate *means of egress* facilities, inadequate light and *ventilation*, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or which involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. All unsafe structures shall be taken down and removed or made safe, as the code official deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.

119.2 Record: The code official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

119.3 Notice: If an unsafe condition is found, the code official shall serve on the *owner*, agent or person in control of the structure, a *written* notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the code official acceptance or rejection of the terms of the order.

119.4 Method of service: Such notice shall be deemed properly served if a copy thereof is (a) delivered to the *owner* personally; or (b) sent by certified or registered mail addressed to the *owner* at the last known address with the return receipt requested. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the *owner's* agent or

714.3.2. All penetrations through the ceiling membrane of a roof assembly without a required fireresistance rating shall be *fireblocked* in accordance with Section 721.6.4.

714.3.1 Noncombustible penetrations: Penetrations by noncombustible vents, chimneys, conduits, pipes, and tubes through unprotected floor assemblies which connect not more than three stories are permitted, provided that the annular space between the penetrating item and the floor is *fireblocked* in accordance with Section 721.6.4.

714.3.1.1 Ducts: Penetrations by noncombustible air ducts through unprotected floor assemblies which connect not more than three stories are permitted, provided that a *fire damper* complying with Section 718.0 is installed at each floor line.

714.3.2 Noncombustible or combustible penetrations: Penetrations by noncombustible or combustible vents, chimneys, cables, wires, air ducts, conduits, pipes and tubes through unprotected floor assemblies which connect not more than two stories are permitted, provided that the annular space is *fireblocked* in accordance with Section 721.6.4.

SECTION 715.0 ROOF CONSTRUCTION

715.1 General: Roofs shall be constructed of materials or assemblies of materials designed to afford the fireresistance rating required by Table 602 as herein modified.

715.2 Stadiums: The roof construction, including beams, trusses, framing, arches and roof decks, enclosing stadiums of Type 1 or Type 2 construction, shall be of approved noncombustible materials without a specified fireresistance rating or of Type 4 construction.

715.3 Roofs 20 feet or higher: Where every part of the structural framework of roofs in buildings of Type 1 or Type 2 construction is 20 feet (6096 mm) or more above the floor immediately below, omission of all fire *protection* of the structural members is permitted, including the *protection* of trusses, roof framing and decking.

715.4 Roof slabs, arches and decking: Where the omission of fire *protection* from roof trusses, roof framing and decking is permitted, roofs in buildings of Types 1 and 2 construction shall be constructed of noncombustible materials, or of fireretardant-treated wood as permitted in Table 602, without a specified fireresistance rating, or of Type 4 construction in buildings not over five stories or 65 feet (19812 mm) in *height*.

715.5 Fireblocking: *Fireblocking* of ceiling and *attic* spaces shall be provided as required by Section 721.0.

SECTION 716.0 FIRERESISTANCE RATING OF STRUCTURAL MEMBERS

716.1 Requirements: The fireresistance rating of structural members and assemblies shall comply with the requirements for the type of construction and shall not be less than the rating required for the fireresistance rated assemblies supported, except as provided for in Section 711.4 for support of *exit access corridor* walls and tenant separation walls in covered mall buildings, and in Section 712.2 for support of smoke barriers. The maximum required fireresistance rating of structural members supporting *fire separation assemblies* of tank storage units provided for in Section 418.3.2.1 shall be 2 hours, but not less than required by Table 602 for the building construction type.

716.2 Protection of structural members: Columns, girders, trusses, beams, lintels or other structural members which are required to have a fireresistance rating and which support more than two floors or one floor and roof, or support a loadbearing wall or a nonloadbearing wall more than two stories high, shall be individually *protected* on all sides for the full length or height with materials having the required fireresistance rating. All other structural members required to have a fireresistance rating shall be *protected* by individual encasement, by a membrane or ceiling protection as specified in Section 713.0, or by a combination of both.

716.3 Embedments and enclosures: Pipes, wires, conduits, ducts or other service facilities shall not be embedded in the required fire protective covering of a structural member that is required to be individually encased.

716.4 Impact protection: Where the fire protective covering of a structural member is subject to impact damage from moving vehicles, the handling of merchandise or other activity, the fire protective covering shall be protected by corner guards or by a substantial jacket of metal or other noncombustible material to a height adequate to provide full protection, but not less than 5 feet (1524 mm) from the finished floor.

716.5 Exterior structural members: Structural members located in exterior walls or along the outer lines of a building or structure shall be *protected* as required by Table 602 for exterior loadbearing walls for the type of construction involved and shall be protected against corrosion in accordance with Section 2210.1. The interior faces of exterior structural members shall be *protected* with coverings of not less than the required fireresistance rating specified for interior structural members in Table 602. Where a fireresistance rating is required in Table 602 for exterior loadbearing walls in buildings of Types 2C, 3B and 5B construction, the interior faces of any exterior structural member of such buildings shall be *protected* to provide a fireresistance rating not less than that required for exterior loadbearing walls.

716.6 Bottom flange protection: Fire protection is not required for the bottom flange of lintels, shelf angles and plates which are not designed as a part of the structural frame or which are part of the structural frame and have a span of 6 feet (1829 mm) or less.

716.7 Stone lintels: Stone lintels on spans exceeding 4 feet (1219 mm) shall not be permitted, unless supplemented by fireresistance rated structural members, concrete or masonry arches of the required strength to support the superimposed *loads*.

SECTION 717.0 FIRE DOOR ASSEMBLIES

717.1 Fire door assemblies: Approved *fire door* assemblies as defined in this code shall be constructed of any material or assembly of component materials which conforms to the test requirements of ASTM E152 listed in Chapter 35 and the *fire protection rating* herein required in Table 717.1, unless otherwise specifically provided for in this code.

717.1.1 Twenty-minute doors: *Fire doors* having a *fire protection rating* of 20 minutes shall be tested in accordance with ASTM E152 listed in Chapter 35 without the hose stream test.

717.1.2 Doors in exit enclosures: All doorway opening protectives for *exit* enclosures shall be *labeled means of egress fire doors* and shall have a maximum transmitted temperature end point of not more than 450 degrees F. (232 degrees C.) above ambient at the end of 30 minutes of standard fire test exposure.

Exception: The maximum transmitted temperature end point is not required in buildings equipped throughout with an *automatic sprinkler system* in accordance with Section 906.2.1 or 906.2.2.

Table 717.1
OPENING PROTECTIVE FIRE PROTECTION RATING

Type of assembly	Required assembly rating (hour)	Minimum opening protection assembly (hour)
Fire walls and fire separation	4	3
assemblies having a required	3	3
fireresistance rating greater than	2	1½
1 hour	1½	1½
Fire separation assemblies:		
Shaft and exit enclosure walls	1	1
Other fire separation assemblies	1	¾
Fire partitions:		
Exit access corridor enclosure wall	1	⅓[a]
	½	½[a]
Other fire partitions	1	¾

Note a. For testing requirements, see Section 717.1.1.

717.2 Labeled protective assemblies: All *fire door* assemblies shall be *labeled* by an *approved agency*. *Labeled* protective assemblies that conform to the requirements of this section or UL 10A, 14B and 14C for tin-clad *fire door* assemblies, and NFPA 80 listed in Chapter 35, shall be approved for use as provided for in this code.

717.2.1 Labeling requirements: *Fire doors* shall be *labeled* or provide other approved identification showing the name of the manufacturer, the name of the third-party inspection agency, the *fire protection rating* and, where required for *fire doors* in *exit* enclosures by Sections 717.1.2 or 1014.8.3, the maximum transmitted temperature end point. Such *label* shall be approved and shall be permanently affixed. The *label* shall be applied at the factory where fabrication and assembly are done. Inspection shall be made by an *approved agency*.

717.2.2 Oversized doors: Approval of doors which cannot be *labeled* because of size shall be based on a certificate of inspection furnished by an *approved testing agency* for such oversized doors. The certificate shall state that the door conforms to the requirements of design, materials and construction, but has not been subjected to the fire test.

717.3 Multiple doors in fire walls: Two doors, each with a *fire protection rating* of 1½ hours, installed on opposite sides of the same opening in a *fire wall*, shall be deemed equivalent in *fire protection rating* to one 3-hour *fire door*.

717.4 Glass panels: Fire protection rated glazing shall be permitted in *fire door* assemblies in accordance with Section 717.0 unless otherwise specifically provided for in this code, and as herein specifically prescribed.

717.4.1 Labeling: Fire protection rated glazing shall bear a *label* or other identification showing the name of the manufacturer, the test standard and the *fire protection rating*. Such *label* shall be issued by an *approved agency* and shall be permanently affixed.

717.4.2 Safety glazing: Fire protection rated glazing installed in *fire doors* or *fire windows* in areas subject to human impact in hazardous locations as indicated in Section 2405.2 shall comply with Section 2405.1.

717.5 Door closing: *Fire doors* shall be self-closing or automatic-closing in accordance with the requirements of NFPA 80 listed in Chapter 35 and the requirements of Sections 717.5.1 through 717.5.4. Swinging *fire doors* shall be self-latching.

Exception: *Fire doors* in guestroom separation walls in occupancies in Use Group R-1 are not required to be self-closing or automatic closing.

717.5.1 Smoke-activated doors: *Fire doors* which are not self-closing and which protect openings in *horizontal exits*, *exits* or *exit access corridors* required to be of fireresistance rated construction shall be automatic-closing by the actuation of smoke detectors or by loss of power to the smoke detector or the hold-open device.

717.5.2 Doors in pedestrian ways: Vertical sliding or vertical rolling steel *fire doors* in openings through which pedestrians travel shall not be automatic-closing by actuation of smoke detectors.

Exception: Doors that are activated by smoke detectors arranged on an *alarm verification* circuit in accordance with Section 919.7.

717.5.3 Swinging fire doors: The door closers for swinging *fire doors* that are not required to be automatic-closing by smoke detector activation in accordance with Section 717.5.1, shall be permitted to be activated by a single fusible link incorporated in the hold-open arm of an approved door closer where the ceiling is less than 3 feet (914 mm) above each side of the door opening.

717.5.4 Closing time: Doors that are automatic-closing by *automatic fire detectors* or are self-closing shall not have a delay in the initiation of closing or reclosing of more than 10 seconds.

SECTION 718.0 FIRE DAMPERS

718.1 Approval: *Fire dampers* shall comply with the requirements of UL 555 listed in Chapter 35 and shall bear the *label* of an *approved testing agency*. *Fire dampers* shall be classified and identified in accordance with UL 555. *Fire dampers* installed in systems that continue to operate when smoke or heat from a fire is detected shall be *labeled* for installation in dynamic systems as required by UL 555. *Fire dampers* shall be installed in accordance with manufacturer's installation instructions. *Fire dampers*

SECTION 721.0 FIREBLOCKING AND DRAFTSTOPPING

721.1 General: To prevent the free passage of flame and products of combustion through concealed spaces or openings in the event of fire, provisions shall be made to provide effective *fireblocks* or *draftstops* as herein specified.

721.2 Fireblocking materials: All *fireblocking* shall consist of approved noncombustible materials securely fastened in place. *Fireblocks* of approved noncombustible materials or of materials of two thicknesses of 1-inch lumber with broken lap-joint, or one thickness of $^{23}/_{32}$-inch wood structural panel with *joints* backed by $^{23}/_{32}$-inch wood structural panel, or of 2-inch lumber installed with tight *joints*, shall be installed in open spaces of wood framing.

721.3 Draftstopping materials: *Draftstopping* materials shall not be less than $^{1}/_{2}$-inch gypsum board, $^{3}/_{8}$-inch plywood or other approved materials adequately supported.

721.4 Integrity: The integrity of all *fireblocking* and *draftstopping* shall be continuously maintained.

721.5 Required inspection: *Fireblocking* and *draftstopping* shall not be concealed from view until inspected and approved.

721.6 Fireblocking required: *Fireblocking* shall be installed in the locations specified in Sections 721.6.1 through 721.6.7.

721.6.1 Concealed wall spaces: *Fireblocking* shall be installed in concealed spaces of stud walls and partitions, including furred or studded-off spaces of masonry or concrete walls, and at the ceiling and floor or roof levels. *Fireblocking* is not required at the ceiling level of walls, partitions and furred spaces constructed of noncombustible materials as defined by Section 704.4.

721.6.2 Connections between horizontal and vertical spaces: *Fireblocking* shall be installed at all interconnections between vertical and horizontal spaces such as occur at soffits over cabinets, drop ceilings, cove ceilings and similar locations. *Fireblocking* is not required at the interconnections between vertical and horizontal spaces where such spaces are constructed of noncombustible materials as defined by Section 704.4.

721.6.3 Stairways: *Fireblocking* shall be installed in concealed spaces between *stairway* stringers at the top and bottom of the run.

721.6.4 Ceiling and floor openings: Where permitted by Exception 7 of Section 713.3, or by Section 714.2.6 or 714.3, *fireblocking* shall be installed at openings around vents, pipes, ducts, chimneys and fireplaces at ceiling and floor levels, with approved noncombustible materials. Factory-built chimneys and fireplaces shall be *fireblocked* in accordance with UL 103 and UL 127 listed in Chapter 35. Where ceilings or floors are required to be fireresistance rated, the openings around vents, pipes, ducts, chimneys and fireplaces shall be protected in accordance with the requirements of Sections 714.2 through 714.2.6.5.

721.6.5 Architectural trim: *Fireblocking* shall be installed within concealed spaces of *exterior wall finish* and other exterior architectural elements where permitted of combustible construction in Section 1406.0, or where erected with combustible frames, at maximum intervals of 20 feet (6096 mm). If noncontinuous, such elements shall have closed ends, with at least 4 inches (102 mm) of separation between sections.

721.6.6 Combustible finish and trim: *Fireblocking* shall be installed in the space behind combustible trim and finish where permitted under this code and all other hollow spaces where permitted in fireresistance rated construction at 10-foot (3048 mm) intervals; or the space shall be solidly filled with approved noncombustible materials.

721.6.7 Concealed sleeper spaces: *Fireblocking* shall be installed in concealed spaces formed by floor sleepers in areas of not more than 100 square feet (9 m^2); or the space shall be solidly filled with approved noncombustible materials.

721.7 Draftstopping required: *Draftstopping* shall be installed in buildings of Types 3, 4 and 5 construction in the locations specified by Sections 721.7.1 and 721.7.2.

721.7.1 Floors: Where ceilings are suspended below solid wood joists or suspended or attached directly to the bottom of open-web wood floor trusses, the space between the ceiling and the floor above shall be divided by *draftstopping* as specified in Sections 721.7.1.1 through 721.7.1.3.

721.7.1.1 Use Groups R-1 and R-2: In occupancies in Use Groups R-1 and R-2, *draftstopping* shall be installed in line with tenant and *dwelling unit* separation walls where the walls do not extend to the underside of the floor sheathing above.

Exception: *Draftstopping* is not required in buildings equipped throughout with an *automatic sprinkler system* installed in accordance with Section 906.2.1 or 906.2.2, provided that automatic *sprinklers* are also installed in the combustible concealed space.

721.7.1.2 Use Group R-3: In occupancies in Use Group R-3, the space shall be divided into approximately equal areas not greater than 500 square feet (46 m^2). The *draftstopping* shall be installed parallel to the main framing members.

Exception: *Draftstopping* is not required in buildings equipped throughout with an *automatic sprinkler system* installed in accordance with Section 906.2.1 or 906.2.2, provided that automatic *sprinklers* are also installed in the combustible concealed space.

721.7.1.3 Other use groups: In all other use groups, *draftstopping* shall be installed so that horizontal areas do not exceed 1,000 square feet (93 m^2).

Exception: *Draftstopping* is not required in buildings equipped throughout with an *automatic sprinkler system* installed in accordance with Section 906.2.1 or 906.2.2, provided that automatic *sprinklers* are also installed in the combustible concealed space above the ceiling.

721.7.2 Attics and concealed spaces: *Attics* and concealed roof spaces shall be provided with *draftstopping* as specified in Sections 721.7.2.1 and 721.7.2.2.

721.7.2.1 Use Group R: In occupancies in Use Group R, in *attics*, mansards, overhangs or other concealed roof spaces, *draftstopping* shall be installed above, and in line with, tenant and *dwelling unit* separation walls that do not extend to the underside of the roof sheathing above.

Exceptions

1. Where *corridor* walls provide a tenant or *dwelling unit* separation, *draftstopping* shall only be required above one of the *corridor* walls.
2. Flat roofs with solid joist construction are not required to be provided with *draftstopping* over tenant and *dwelling unit* separation walls if the joists form a *draftstop*.
3. *Draftstopping* is not required in buildings equipped throughout with an *automatic sprinkler system* installed in accordance with Section 906.2.1 or 906.2.2, provided that automatic *sprinklers* are also installed in *attics*, mansards, overhangs and other concealed roof spaces of combustible concealed space.
4. *Draftstopping* is not required in detached *one-* and *two-family dwellings*.
5. In occupancies in Use Group R-2 which do not exceed four stories in *height*, the *attic* space shall be subdivided by *draftstops* into areas not exceeding 3,000 square feet (279 m^2) or above every two *dwelling units*, whichever is smaller.

721.7.2.2 Other use groups: *Draftstopping* shall be installed in *attics* and concealed roof spaces, such that any horizontal area does not exceed 3,000 square feet (279 m^2).

Exceptions

1. Flat roofs with solid joist construction are not required to be provided with *draftstopping* over tenant separation walls if the joists form a *draftstop*.
2. *Draftstopping* is not required in buildings equipped throughout with an *automatic sprinkler system* installed in accordance with Section 906.2.1 or 906.2.2, provided that automatic *sprinklers* are also installed in *attics* and other concealed roof spaces of combustible construction.

721.8 Ventilation: *Ventilation* of concealed roof spaces shall be maintained in accordance with Section 1210.0.

SECTION 722.0 FIRERESISTIVE REQUIREMENTS FOR PLASTER

722.1 Thickness of plaster: The required thickness of fireresistance rated plaster protection shall be determined by the prescribed fire tests for the specified use group and type of construction and in accordance with the provisions of Section 2505.0 for interior plastering and Section 2506.0 for exterior plastering. The thickness in all cases shall be measured from the face of the lath where applied to gypsum lath or metal lath.

722.2 Plaster equivalents: For fireresistive purposes, ½ inch (13 mm) of unsanded gypsum plaster shall be deemed equivalent to ¾ inch (19 mm) of one-to-three sanded gypsum or 1 inch (25 mm) of portland cement sand plaster.

722.3 Noncombustible furring: In buildings of Types 1 and 2 construction, plaster shall be applied directly on concrete or masonry or on approved noncombustible plastering base and furring.

722.4 Double reinforcement: Except in solid plaster partitions, or where otherwise determined by the prescribed fire tests, plaster protection more than 1 inch (25 mm) in thickness shall be reinforced with an additional layer of approved lath embedded at least ¾ inch (19 mm) from the outer surface and fixed securely in place.

722.5 Plaster alternatives for concrete: In reinforced concrete construction, gypsum or portland cement plaster is permitted to be substituted for ½ inch (13 mm) of the required poured concrete protection, except that a minimum thickness of ⅜ inch (10 mm) of poured concrete shall be provided in all reinforced concrete floors and 1 inch (25 mm) in reinforced concrete columns in addition to the plaster finish. The concrete base shall be prepared in accordance with Section 2506.0.

SECTION 723.0 THERMAL- AND SOUND-INSULATING MATERIALS

723.1 General: Insulating batts, blankets, fills or similar types of materials — other than fiberboard, cellulosic and foam plastic insulation — including *vapor retarders* and breather papers or other coverings which are incorporated in construction elements, shall be installed as required by this section. Fiberboard insulation shall be installed as required by Section 2309.0, cellulosic insulation shall comply with Section 723.5, and foam plastic insulation shall be installed as required by Section 2603.0.

723.2 Exposed installations: Such materials, where exposed as installed in rooms or spaces, including *attics* and crawl spaces of buildings of any type construction, shall have a flame spread rating of 25 or less and a smoke-developed rating of 450 or less when tested in accordance with ASTM E84 listed in Chapter 35. Plenum installations shall comply with the requirements of Section 2805.0 and the mechanical code listed in Chapter 35.

723.3 Concealed installations: Insulating materials, where concealed as installed in buildings of any type of construction, shall have a flame spread rating of 75 or less and a smoke-developed rating of 450 or less when tested in accordance with ASTM E84 listed in Chapter 35.

723.3.1 Facings: All *vapor retarders*, whether integral or applied separately, shall be installed on the warm side of the building element, and shall have a permeance not exceeding 1 perm. Where insulation materials are installed in concealed spaces (such as wall, floor or ceiling cavities), *attics* or crawl spaces in buildings of Types 3, 4 and 5 construction, the flame spread and smoke-developed rating limitations do not apply to facings, provided that the facing is installed behind and in substantial contact with the unexposed surface of the ceiling, floor or wall finish.

723.4 Loose-fill insulation testing: Loose-fill insulation which requires a screen or artificial support for the test arrangement required in the test tunnel of ASTM E84, listed in Chapter 35, shall be tested in the following mounting method. Loose-fill insulation shall be placed on the floor of the ASTM E84 test tunnel in a thickness of 57 mm ±6 mm for the length of the tunnel. A specimen, including density, shall be representative of the