



Permitting and Inspections Department
Michael A. Russell, MS, Director

October 17, 2017

WITHAM MICHAEL J
42 SPRUCE ST
PORTLAND, ME 04102

CBL: 056 G027001
Located at: 40 SPRUCE ST

Certified Mail 70141820000140495051

Dear Witham Michael J,

An evaluation of the above-referenced property on **10/06/2017** shows that the structure fails to comply with Chapter 6.Article V. of the Code of Ordinances of the City of Portland, The Housing Code. Attached is a list of the violations.

This is a notice of violation pursuant to Section 6-118 of the Code. All referenced violations shall be corrected within **30** days of the date of this notice. A re-inspection of the premises will occur on **11/17/2017** at which time compliance will be required. Failure to comply will result in this office referring the matter to the City of Portland Corporation Counsel for legal action and possible civil penalties, as provided for in Section 1-15 of the Code.

This constitutes an appealable decision pursuant to Section 6-127 of the Code.

Please feel free to contact me if you wish to discuss the matter or have any questions.

Please be advised that the Portland City Council has amended the Building regulations to include a \$150.00 re-inspection fee. This violation will automatically cause a re-inspection at no charge. If there are any subsequent inspections, however, the \$150.00 fee will be assessed for each inspection.

Sincerely,

/s/

A handwritten signature in dark ink, appearing to read "K. Hanscombe", is written over a horizontal line.

Kevin Hanscombe
Code Enforcement Officer

**CITY OF PORTLAND
HOUSING SAFETY OFFICE**

389 Congress Street
Portland, Maine 04101

Inspection Violations

Owner/Manager Witham Michael J		Inspector Kevin Hanscombe	Inspection Date 10/6/2017
Location 40 SPRUCE ST	CBL 056 G027001	Status Violations Exist	Inspection Type Housing Inspection

Code	Int/Ext	Floor	Unit No.	Area	Compliance Date
1) 55.30					
Violation:	NFPA 101- 31.2.4.1 TWO EXITS REQUIRED ABOVE FIRST FLOOR; EVERY DWELLING UNIT SHALL HAVE ACCESS TO NOT LESS THAN TWO SEPARATE EXITS REMOTELY LOCATED FROM EACH OTHER AS REQUIRED BY 7.5.1.				
Notes:	See violation #2 6-108.d (You must submit a report from a licensed design professional certifying that the emergency egress outside stairs from the 3rd floor are structurally sound and safe to use)				
2) 6-108.(d)					
Violation:	STAIRWAYS, STAIRWELLS, STAIRS AND PORCHES.; EVERY INSIDE AND OUTSIDE STAIRWAY, STAIRWELL, STAIRS, AND PORCH AND ANY APPURTENANCES THERETO SHALL BE STRUCTURALLY SOUND, IN GOOD REPAIR, AND SAFE TO USE.				
Notes:	You must submit a report from a licensed design professional certifying that the emergency egress outside stairs from the 3rd floor are structurally sound and safe to use. Plan of action 30 days 11/17				
3) 55.080					
Violation:	NFPA 101- 31.1.5.1 ELECTRICAL VIOLATION; UTILITIES SHALL COMPLY WITH THE PROVISIONS OF SECTION 9.1.				
Notes:	Light Fixture in owners unit needs to be repaired as it is hanging down from ceiling with wires hanging. 30 days 11/17				
4) 55.047					
Violation:	NFPA 101- 7.1.3.2.1 60-MIN FIRE DOOR ASSEMBLIES REQ; THE SEPARATION SHALL HAVE A MINIMUM 1-HOUR FIRE RESISTANCE RATING WHERE THE EXIT CONNECTS THREE OR FEWER STORIES.				
Notes:	plan of action 30 days 11/17 (1 door every month x number of doors)				
5) 55.028					
Violation:	NFPA 101- 7.2.2.4.5.2 STAIRS WITH IN UNITS NEED GUARDS; (3) EXISTING GUARDS ON EXISTING STAIRS SHALL BE PERMITTED TO BE NOT LESS THAN 30 INCHES HIGH.				
Notes:	Plan of action to address in 30 days 11/17				
6) 55.146					
Violation:	NFPA 101- 8.7.3.1 REMOVE FLAMMABLE LIQUIDS/ GAS; The storage and handling of flammable liquids or gases shall be in accordance with the following applicable standards: (1) NFPA 30, Flammable and Combustible Liquids Code (2) NFPA 54, National Fuel Gas Code (3) NFPA 58, Liquefied Petroleum Gas Code				
Notes:	immediatley remove from basement. Re-inspection 11/17				

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7) 55.083

Violation: NFPA 70 JUNCTION BOXES REQUIRE COVERS; REFER TO NFPA 70, NATIONAL ELECTRICAL CODE, ON STANDARDS REGARDING JUNCTION BOXES REQUIRING COVERS.

Notes: Reinspection 11/17

8) 6-109.(d)

Violation: DISPOSAL OF RUBBISH, ASHES, GARBAGE AND WASTE; Separate watertight, tightly covered plastic or metal containers shall be provided, one (1) or more for garbage and other food wastes, one (1) or more for rubbish, paper, and other non food wastes, and one (1) or more metal containers for ashes, and all such containers shall be kept covered at all times so as to prevent the ingress and egress of flies, rats or other animals. Plastic or paper bags or boxes are not considered "containers" for purposes of this section. Ashes shall be cold when placed in containers for collection. Such containers shall be cleaned periodically so that they will not become foul or offensive and shall be placed in convenient locations for removal of the contents by persons authorized to collect the same. Every occupant of a dwelling, dwelling unit, rooming house or rooming unit shall place or cause to be placed all garbage, rubbish and other waste material in such containers and shall not permit any accumulation or deposit of such substances in or about the premises except in said containers. The responsibility for the provision of such containers shall be as follows

1.It shall be the duty of every occupant of every dwelling occupied by not more than two (2) families to provide and keep within the dwelling or upon the premises where the dwelling is situated sufficient containers to meet the above requirements.

2.It shall be the duty of the owner or operator of every multiple dwelling to provide and keep within the dwelling or upon the premises where the dwelling is situated sufficient containers to meet the above requirements.

3.It shall be the duty of every owner or operator of a rooming house to provide and keep within the dwelling or upon the premises where the dwelling is situated sufficient containers to meet the above requirements.

Notes: Basement has too much storage/debris. Reinspection 11/17

Comments: