



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

Jonathan Rioux, Inspections Director

10/08/2018

*Sent via Regular and Certified Mail: 7018036000063625018*

Elijah P. Thanhauser  
315 Spring St. Rear  
Portland, ME 04102

CBL: 061 C018001

Located At: 315R Spring St.

Mr Thanhauser:

At some point, you installed an unpermitted wood stove at your property. As you know, you were subsequently issued a notice of violation arising out of your use of this stove, and were ordered to discontinue the use of the chimney and stove until corrections were made. Attached is the original notice of violation issued by the Fire Department on 09/14/2017.

You subsequently applied for an after-the-fact HVAC permit #2017-01667 for "Installation of wood stove model Morso 1440". In connection with that permit, you expressly agreed "to conform to all applicable laws of this jurisdiction." Further, as a condition of the permit, you agreed to take responsibility for scheduling inspections for the work being done, and understood that the inspector could require modifications to the work if it did not meet code requirements.

During an evaluation of the property on 12/20/17, City inspectors confirmed that the wood stove venting did not comply with NFPA 211, 2006 edition section 4.2 as adopted by the State of Maine. This property remains in violation of those requirements, and of the requirements of permit #2017-0167.

Given the present circumstances of this property, you are hereby ordered to:

1. Immediately discontinue the use of this chimney and wood-fired appliance.
2. If you wish to resume your use of the chimney and wood-fired appliance, you must first apply for a permit to make the necessary corrections for the chimney to comply with NFPA 211, 2006 edition section 4.2, by providing for the termination of the chimney vent above roof level as illustrated in Figure 4.2(a) and Figure 4.2(b), see attached.

A re-evaluation of the property will occur on 10/24/2018 .

Portland, Maine



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Michael A. Russell, MS, Director

Jonathan Rioux, Inspections Director

This letter constitutes a decision from which you may appeal pursuant to the City of Portland Code of Ordinances.

If you have any questions or concerns please feel free to contact me a (207) 756-8187. We trust that your cooperation will be evident in your meeting the above timeframe.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Grant".

Jason Grant,  
Life Safety Code Enforcement Officer/ Plan Reviewer

cc: Anne Torregrossa, Associate Corporation Counsel  
Keri Ouellette, Intake and Review Manager

- ii. A smoke detector and alarm installed and maintained in accordance with *NFPA 72, National Fire Alarm Code*. The detector shall be installed in the same room as the appliance served by the mechanical draft system.
- iii. A listed carbon monoxide warning device installed in accordance with the manufacturer's instructions.
- (b) The mechanical draft system shall be listed in accordance with UL 378, *Standard for Draft Equipment*, for use with the type of appliance and range of chimney service appropriate for the application. The mechanical draft system shall not cause or permit blockage of the flue or electrical hazard after exposure to a chimney fire or over fire conditions. The mechanical draft system shall be installed in accordance with the terms of the listing and the manufacturer's instructions.
- (c) The mechanical draft system shall be sized to maintain draft within the range specified by the appliance manufacturer.

**4.1.3 Natural Draft Sizing.** Chimneys serving incinerators or other process equipment where the combustion process cannot be stopped completely by fuel shutoff alone shall be sized for natural draft conditions.

**4.1.3.1** Where air pollution control devices or other devices in the chimney system require a mechanical draft system, the chimney system shall be so arranged that, upon a power failure, the natural draft chimney alone can satisfactorily remove the products of combustion until the combustible material is completely consumed.

**4.1.4 Forced/Induced Draft Systems.** Forced draft systems and all portions of induced draft systems under positive pressure during operation shall be designed and installed to be gastight or to prevent the leakage of combustion products into a building.

**4.1.5 Natural Draft Vent Connectors.** Vent connectors serving appliances vented by natural draft shall not be connected into any portion of mechanical draft systems operating under positive pressure.

**4.2 Termination (Height).** Chimneys and vents shall terminate above the roof level in accordance with the requirements of this standard and as illustrated in Figure 4.2(a) and Figure 4.2(b).

**4.2.1** Masonry chimneys shall extend above the highest point at which they pass through the roof of a building by at least the distance specified in Table 7.2, Column VI, and shall also extend at least the specified distance above any portion of any structure within the specified proximity (measured horizontally from the vertical chimney line) in Table 7.2, Column VII.

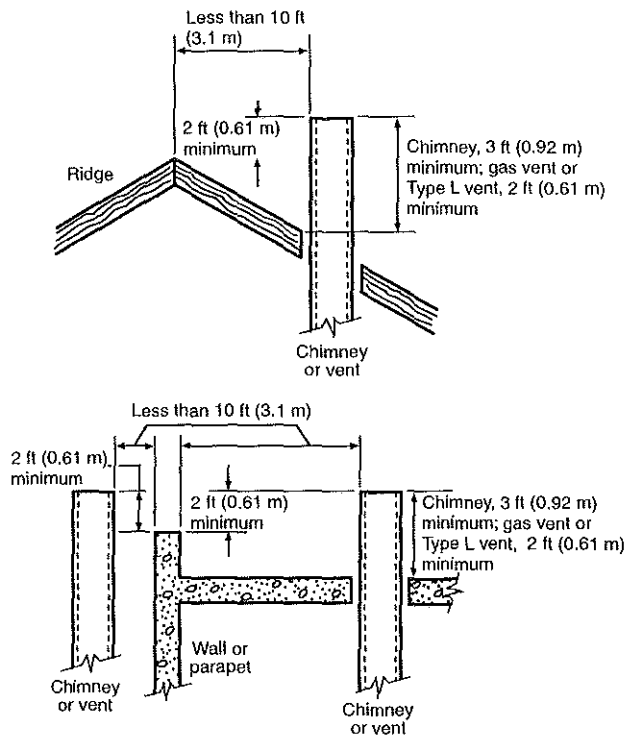
**4.2.2** Natural draft chimneys and vents shall not terminate at an elevation less than 5 ft (1.53 m) above the flue collar or the highest connected draft hood outlet.

*Exception: As provided in Section 10.7.*

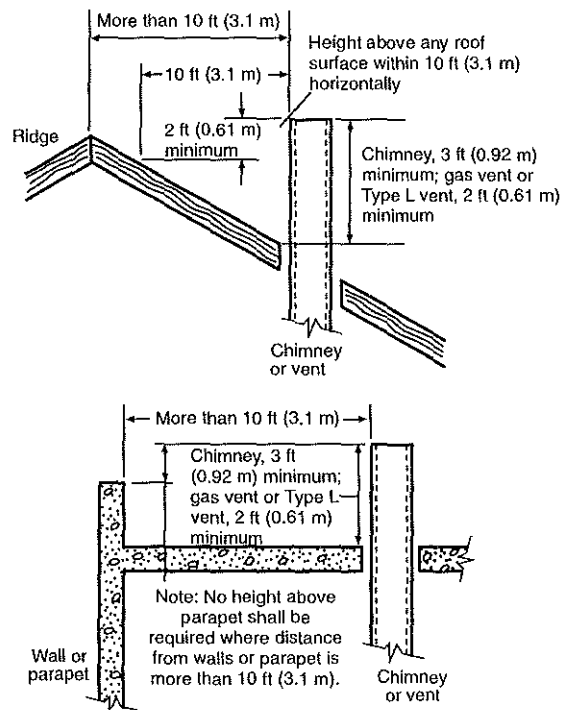
**4.3 Enclosure.**

**4.3.1 General.** Interior residential chimneys shall be enclosed where they extend through closets, storage areas, or habitable spaces where the surface of the chimney could come into contact with persons or combustible materials.

**4.3.2 Clearance.** The space between the chimney and the enclosure shall be at least the minimum air space clearance specified in this standard (see Table 7.2) or the clearance specified in the manufacturer's instructions for listed chimneys.



**FIGURE 4.2(a) Chimney or Vent Termination Less Than 10 ft (3.1 m) from Ridge, Wall, or Parapet.**



**FIGURE 4.2(b) Chimney or Vent Termination More Than 10 ft (3.1 m) from Ridge, Wall, or Parapet.**

Portland, Maine



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FIRE PREVENTION BUREAU

John Brennan  
Fire Captain

Keith N. Gautreau  
Assistant Fire Chief

David Petruccelli  
Fire Captain

14 September 2017

RE: CBL 061 C018001

Thanhauser, Eliah P  
315 Spring St. Rear  
Portland, Maine 04102

Dear Eliah,

Portland Fire Department is informing you of a code violation at your property, in regards to your chimney installation.

Under NFPA 211 The Standard for CHINEYS, FIREPLACES, VENTS, AND SOLID FUEL-BURNING APPLIANCES Sec. 4.2 Termination (Height). The standard states in 4.2.1 *Masonry chimneys shall extend above the highest point at which they pass through the roof of a building by at least the distance specified in Table 7.2, Column VI, and shall also extend at least the specified distance above any portion of any structure within the specified proximity (measured horizontally from the vertical chimney line) in Table 7.2, Column VII.*

The distance listed in the table is 2 feet above for the highest point for a building that is within 10 feet to nearby structures. The rear chimney at your property does not have the distance to the property located at 92 Emery St.. This can be found on page 22 of NFPA 211, you may refer to this standard at NFPA.org

Please discontinue all use of this chimney and fireplace or fuel-fired appliance until corrections are made to meet compliance with codes.

Thank you for your attention to this matter.

Thank you,  
Capt. Petruccelli