



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

February 27, 2018

130 EMERY STREET LLC
1108 SAWYER RD
CAPE ELIZABETH, ME 04107

CBL: 062 C005001
Located at: 130 EMERY ST

EMAIL

Dear 130 EMERY STREET LLC,

An evaluation of the above-referenced property on **02/27/2018** 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. A plan of action for the violations is required to be addressed with the Inspections Department within 30 days. 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 black ink, appearing to read "Jason Duval", written over a horizontal line.

Jason Duval
Code Enforcement Officer

**CITY OF PORTLAND
HOUSING SAFETY OFFICE**

389 Congress Street
Portland, Maine 04101

Inspection Violations

Owner/Manager 130 EMERY STREET LLC		Inspector Jason Duval	Inspection Date 2/27/2018
Location 130 EMERY ST	CBL 062 C005001	Status Failed	Inspection Type Inspection

Code	Int/Ext	Floor	Unit No.	Area	Compliance Date
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1) 55.005 Interior 3 Bedroom
Violation: NFPA 101- 31.2.1.1 ESCAPE WINDOWS - INSUFF. SIZE; It shall be an outside window or door operable from the inside without the use of tools, keys, or special effort and shall provide a clear opening of not less than 5.7 square feet. The width shall be not less than 20 inches, and the height shall be not less than 24 inches. The bottom of the opening shall not be more than 44 inches above the floor. See NFPA 101 24.2.2.3.3 for a continuation of this code.
Notes: Bedroom window for unit 3 does not meet egress standards. Please see attached document for policy.

2) 55.051 Interior all Through Out
Violation: NFPA 101- 7.2.1.8.1 DOORS SHALL BE SELF-CLOSING & SELF-LATCHING; A door leaf normally required to be kept closed shall not be secured in the open position at any time and shall be self-closing or automatic-closing in accordance with 7.2.1.8.2, unless otherwise specified by 7.2.1.8.3.
Notes: All unit doors are required to self close and self latch.

3) 55.161 Interior all Bedroom
Violation: NFPA 101- 31.3.4.5.1 SMOKE DETECTOR EACH SLEEPING ROOM; In buildings other than those equipped through out with an existing, complete automatic smoke detection system, smoke alarms shall be installed in the immediate vicinity of the bedrooms and on all levels of the dwelling unit, including basements.
Notes: All bedrooms require a hard wired smoke alarm.

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: 1 hour rated fire door required for basement door.

Comments: Field Inspection 2/27/2018- Units 1,2, and 3 bedrooms required hard wired smoke alarms. Unit 3's bedroom window does not meet egress standards (20 inches high by 24 inches wide). Fire door is required for the basement door. Plan of action for the violations due within 30 days.



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Jonathan Rioux, Inspections Director

Information Bulletin: 2018-01

Secondary Means of Escape and Rescue Openings

Adopted: 02/02/2018 *MR*

Background

The City of Portland has adopted the NFPA Life Safety Code (NFPA 101) and the NFPA Fire Code (NFPA 1), along with other building codes (MUBEC), which have minimum requirements for means of escape from residential dwellings, up to four stories in height.

NFPA 101 requires that new and existing dwellings provide for both a primary and a secondary means of escape from each sleeping room and living area.[1] NFPA 101 (2009) §§ 24.2.2.1.1, 31.2.1.2. A window may be used as the secondary means of egress or escape where the window is:

1. operable from the inside without the use of tools, keys, or special effort;
2. provides a net clear opening of not less than 5.7 sq. ft.;
3. not less than 20" wide;
4. not less than 24" high;
5. not more than 44" above the floor; and
6. meets one or more conditions for accessibility of fire department rescue apparatus.

Id. §§ 24.2.2.2.3.3, 31.2.1.2.

Windows in new construction have to meet the requirements of NFPA 101, as well as MUBEC, including the 5.7 sq. ft. net clear opening requirement. Note: The new construction provisions will also apply to replacement windows as part of the approval requirements for a change of use or occupancy.

Enforcement of Minimum Window Size

The City will generally not require existing windows to be replaced, even where they do not meet all of the above criteria numbered 1-6, as long as the existing windows meet certain minimum standards for safety.[2] The circumstances under which undersized, existing windows will be allowed to remain depends on:

1. When the existing window was installed,
2. The size of the window, and if
3. Changes are being proposed to the building.

Windows installed before 1976 will be considered acceptable to the City and do not need to be replaced, if the windows meet the minimum requirements outlined in the State Fire Marshal's "Policy for clarification



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of existing egress windows” memo dated October, 17, 2013. These windows meet all of the requirements numbered 1-6 on Page 1 of this informational bulletin with the exception of number 2. Number 2 shall be replaced with, “2. provides a net clear opening of at least 3.3 sq. ft. and an overall opening size of 5.0 sq. ft. if all window parts are removed”.

Windows installed after 1976 must be replaced by windows meeting all of the requirements numbered 1-6 on Page 1 of this informational bulletin. This includes a net clear opening of not less than 5.7 sq. ft.

Renovations or projects involving a change of use or occupancy, legalization of nonconforming units, or renovations to exterior walls. Where a renovation or project involves a change of use, the legalization of nonconforming units, or renovations to exterior walls, windows must be installed that meet all of the requirements numbered 1-6 on Page 1 of this informational bulletin.

Other renovations. The replacement window may be the same size as the existing window if:

1. No other renovations to the exterior wall are proposed,
2. No change of use or legalization of a nonconforming unit is proposed,
3. The window has a minimum net clear opening of at least 3.3 sq. ft. for a double hung or,
4. 5.0 sq. ft. for a casement-style, and,
5. Meets all of the other requirements numbered 1-6 on Page 1 of this informational bulletin.

However, when the rough opening for the replacement window is large enough to allow installation of a window with a minimum of 5.7 sq. ft. net clear opening, that requirement must be met, even if the window operation is different than the original window. If it is not possible to meet the 5.7 sq. ft. net clear opening, the replacement window must be the manufacturer's largest standard size window that will fit within the existing window frame or existing rough opening. The replacement window shall either be of the same operating style as the existing window or a style that provides for a greater window opening area than the existing window.

The City reserves the right to require installation or replacement of any window to meet the safety requirements of NFPA 1 and 101, MUBEC, City Code of Ordinances and any other relevant standards.

[1] Exceptions to this requirement are available where the sleeping room or living area has a door leading directly to the outside at or to the finished ground level, or where the dwelling unit is fully sprinkled.

[2] The City may allow windows to remain that are an “existing approved means of escape.” *Id.* § 24.2.2.3. An approved existing condition is “That which is already in existence on the date [the NFPA code] goes into effect and is acceptable to the authority having jurisdiction.” *Id.* § 3.3.75.1.
