

Portland, Maine



Yes. Life's good here.

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

Ann Machado, Zoning Administrator

2/26/2018

NOTICE OF VIOLATION AND ORDER TO CORRECT
Sent by Certified Mail and by Regular Mail

105 Falmouth St Portland, ME

Re: 105 Falmouth St Portland, ME – 117 A003001– R5

Dear Sulan Chau:

On 02/22/2018, this office inspected the above-referenced property and observed that there were 3 dwelling units in the building. City records show that the legal use of the property is 2 dwelling units with two rooms that can be rented on the third floor, which is part of the second floor unit. The additional dwelling unit on third floor was constructed without the required permits, in violation of section 14-463 of the City's Code (available online or at the City Clerk's office), which requires that "no building or part thereof shall be constructed, altered, enlarged or moved unless a permit for such action has been issued by the building authority."

To remedy this violation, you must 1) submit a change of use permit to the Permitting and Inspections Department; 2) obtain legalization of the dwelling unit under section 14-391 of the City Code, or 3) remove the illegal dwelling unit by removing the kitchen, including all equipment and plumbing.

Within 30 days of the date of this letter, you must submit an application to Legalize the Nonconforming Dwelling Unit, submit a change of use permit, or remove the illegal unit. If you choose to apply for legalization or a change of use permit, and the application is denied, you must remove the illegal unit within 30 days of the City's initial decision.

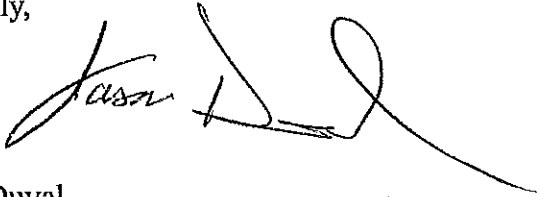
If you do not do so, the City will refer this matter to the City's Corporation Counsel's office for enforcement action. The City may be entitled to an order to correct the violations, civil penalties in the minimum of \$50 per violation per day, costs and fees, and other relief, under section 1-15 of the City Code and 30-A M.R.S. § 4452.

You have the right to appeal this Notice of Violation and Order to Correct pursuant to section 14-472 within thirty days from the date of this letter. If you do not appeal, you may be

barred from challenging my findings in the future. Please contact the Zoning Division for the necessary paperwork if you decide to file an appeal.

Please contact me with any questions. Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Duval". The signature is fluid and cursive, with a large loop at the end.

Jason Duval
Code Enforcement Officer
207-874-8706
jduval@portlandmaine.gov



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

February 26, 2018

CHAU SULAN
105 FALMOUTH ST
PORTLAND, ME 04103

CBL: 117 A003001

Certified Mail 7015 0920 0001 0776 6348

Located at: 105 FALMOUTH ST

Dear CHAU SULAN,

An evaluation of the above-referenced property on **02/22/2018** 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. All referenced violations shall be corrected within **30 days** of the date of this notice. A re-inspection of the premises will occur on **03/29/2018** 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 black ink, appearing to read "Jason Duval", written over a horizontal line.

Jason Duval
Code Enforcement Officer



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

February 26, 2018

CHAU SULAN
105 FALMOUTH ST
PORTLAND, ME 04103

CBL: 117 A003001
Located at: 105 FALMOUTH ST

Dear CHAU SULAN,

To Whom it May Concern,

Pursuant to City of Portland Code of Ordinances § 6-151, all owners of rental units in the City must register their ownership interest and pay a fee for that registration. Registration fees are due for 2017 and 2018. Failure to timely register is a violation of the City Code.

You have failed to register your rental units at the above address and are in violation of the City Code. To avoid legal action, you must register and pay the applicable registration fees no later than March 9, 2018. Please contact the Housing Safety Office to register as soon as possible at 207-756-8131 or housingsafety@portlandmaine.gov. You may also register and pay online at: <http://www.portlandmaine.gov/1656/Housing-Safety>

Your failure to comply with this deadline will result in further action by the City, including the imposition of civil penalties in the amount of \$100 per day that the violations have continued, and additional legal remedies.

If you think that this property is not subject to registration, please contact the Housing Safety Office. I look forward to your anticipated cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Duval", is 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 CHAU SULAN		Inspector Jason Duval	Inspection Date 2/22/2018
Location 105 FALMOUTH ST	CBL 117 A003001	Status Failed	Inspection Type Inspection

Code	Int/Ext	Floor	Unit No.	Area	Compliance Date
1) 210	Interior	3	2	Bedroom	
Violation:	ESCAPE WINDOWS; Escape Windows - One and Two-Family Dwellings: Escape windows shall be a free and clear outside window or door operable from the inside without the use of tools, keys, or special effort. Windows shall be within 20 feet of the finished ground level or accessible by rescue apparatus (if approved), or opening onto an exterior balcony and when below ground level shall be provided with an accessible, free and clear, window well. NFPA 101 (2009) 24.2.2.3.3				
Notes:	Top floor bedroom window does not meet egress standards.				
2) 211-006-153(a)					
Violation:	DISCLOSURE OF BUILDING OWNERSHIP - FAILURE TO REGISTER; Any person, business entity or other organization failing to timely file the required rental housing registration or failing to timely pay, in full, the rental housing registration fee or annual renewal fee, or failing to timely file any required update to the rental housing registration shall be in violation. City Code of Ordinances Section 6-153 (a)				
Notes:	Unit not registered with Housing Safety.				
3) 6-113.(d)	Interior	2	2	Bedroom	
Violation:	EXTENSION CORDS.; No temporary wiring shall be used except extension cords which run directly from portable electrical fixtures to convenience outlets, ceiling or wall-type fixtures and which do not lie under rugs or other floor coverings, nor extend through doorways, transoms or similar openings through structural elements.				
Notes:	Remove extension cords from bedroom on second floor.				
4) 6-116.(a)	Interior			Basement	
Violation:	FLAMMABLE/HAZARDOUS MATERIALS; No dwelling unit or rooming unit shall be located within a building containing any establishment handling, dispensing, storing or producing flammable liquids, toxic gas vapors or fibrous materials, such as asbestos, which may endanger the lives or safety of the occupants.				
Notes:	Paper faced insulation in basement is fire hazard and needs to be properly addressed.				
5) 55.080	Interior			Basement	
Violation:	NFPA 101- 31.1.5.1 ELECTRICAL VIOLATION; UTILITIES SHALL COMPLY WITH THE PROVISIONS OF SECTION 9.1.				
Notes:	Panel requires breaker covers.				



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

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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Michael A. Russell, MS, Director

Jonathan Rioux, Inspections Director

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.
