



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

*Ann Machado, Zoning Administrator*

3/9/18

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

84 Mayer Rd, Portland ME 04102

Re: 44 Revere Street – 124 I019001– Zone R5

Dear 48 Revere Street LLC:

On 03/07/2018, this office inspected the above-referenced property and observed that there were 4 dwelling units in the building. City records show that the legal use of the property is 2 dwelling units. The additional dwelling unit(s) was/were 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 units under section 14-391 of the City Code, or 3) remove the illegal dwelling units by removing the kitchens, 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 units. If you choose to apply for legalization or a change of use permit, and the application is denied, you must remove the illegal units 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 stylized with a large, looped 'D' and a long horizontal stroke at the end.

Jason Duval  
Code Enforcement Officer  
City of Portland



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

March 9, 2018

48 REVERE STREET LLC  
84 MAYER RD  
PORTLAND, ME 04102

**CBL: 124 I019001**  
**Located at: 44 REVERE ST**

**Certified Mail 7015 0920 0001 0776 6775**

Dear 48 REVERE STREET LLC,

An evaluation of the above-referenced property on **03/07/2018** 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 escape windows is required within 30 days. All other referenced violations shall be corrected within 30 days of the date of this notice. 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**

|  |                           |                                 |                                      |
|--|---------------------------|---------------------------------|--------------------------------------|
| <b>Owner/Manager</b><br>48 REVERE STREET LLC |                           | <b>Inspector</b><br>Jason Duval | <b>Inspection Date</b><br>3/7/2018   |
| <b>Location</b><br>44 REVERE ST              | <b>CBL</b><br>124 1019001 | <b>Status</b><br>Failed         | <b>Inspection Type</b><br>Inspection |

| Code | Int/Ext | Floor | Unit No. | Area | Compliance Date |
|------|---------|-------|----------|------|-----------------|
|------|---------|-------|----------|------|-----------------|

1) 210 Interior Top  
**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 unit bedroom window and fire escape window does not meet egress standards. See attached document for window policy.

2) 207 Interior  
**Violation:** CARBON MONOXIDE ALARMS / LEVEL; Carbon Monoxide Alarms - One and Two-Family Dwellings: Single-station or multiple-station (interconnected) Carbon Monoxide alarms must be powered by the (A) building electrical system, or (B) 10-year non-replaceable battery and shall be positioned correctly on walls or ceilings: (1) on each level of the dwelling unit, and (2) including the basement.  
 NFPA 720 (2009) 9.5.1, 9.5.3, amended by State Law Title 25, Chapter 317 § 2468  
**Notes:** CO alarm required for top floor unit. Smoke/CO alarm required for basement.

3) 205 Interior Basement  
**Violation:** SMOKE ALARMS / LEVEL; Smoke Alarms - One and Two-Family Dwellings: Single-station or multiple-station (interconnected) photoelectric smoke alarms must be powered by the building electrical system or powered by a 10-year non-replaceable battery and shall be positioned correctly on walls or ceilings: (1) within 21 feet of any door to a sleeping room and (2) in living areas separated by doors on each level of the dwelling unit and (3) including the basement.  
 NFPA 101 (2009) 24.3.4.1(2)(3), 9.6.2.10, amended by City Code of Ordinances Section 10-3(i)  
**Notes:** Basement requires a smoke/CO alarm.

4) 211  
**Violation:** OTHER  
**Notes:** Fuse cover required in basement electrical panel.

**Comments:** Field inspection 3/7/18- Smoke/CO combination alarm required in the basement. Fuse cover required for basement electrical panel. CO alarm required on the top floor unit. Top floor unit bedroom window does not meet egress. Fire escape window for top floor unit does not meet egress standards. Possible 2 illegal units, according to city records the property is a two-family dwelling.



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** *MAR*

**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.

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[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.

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