



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

Jonathan Rioux, Inspections Director

4/2/2018

Victoria Tripaldi, Trustee  
12&14 IRVING ST  
PORTLAND, ME 04101

RE: 12 IRVING ST  
Portland, ME  
129 B008001

NOTICE OF VIOLATION  
AND ORDER TO CORRECT

To Whom it May Concern,

The City of Portland Housing Safety Office inspected the above-referenced property on March 30, 2018 and found violations of the City of Portland Code of Ordinances, which are listed on the attached page(s). You are hereby ordered to correct these violations by the dates given on the attached.

If you do not correct the attached violations, then this matter may be referred to the City of Portland Corporation Counsel for legal action, including civil penalties and other legal remedies.

This constitutes an appealable decision under the City of Portland Code of Ordinances. If you choose to not appeal this Notice, then you may be barred from challenging the City's determinations in the future.

Please contact me if you have any questions with respect to this matter.

Sincerely,

Jason Duval  
Code Enforcement Officer  
jduval@portlandmaine.gov  
City of Portland



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

*Ann Machado, Zoning Administrator*

4/2/2018

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

12 Irving Street Portland, ME 04101

Re: 12 Irving Street Portland, ME 04101 – 129 B008001– R5

Dear Victoria Tripaldi,

On 03/30/2018, this office inspected the above-referenced property and observed that there were 3 dwelling units in the principle structure. City records show that the legal use of the property is 2 dwelling units for the principal structure and 1 dwelling unit for the adjacent building. The additional dwelling unit in the principal structure 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.

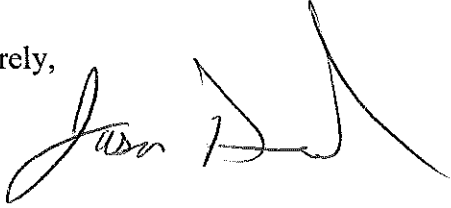
Within 30 days of the date of this letter, you must submit an application to Legalize the Nonconforming Dwelling Unit, submit a change of use permit, or remove the illegal unit. If you choose to apply for legalization or a change of use permit, and the application is denied, you must remove the illegal 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 \$100 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 long horizontal stroke at the end.

Jason Duval  
Code Enforcement Officer (Housing Safety)  
207-874-8706  
jduval@portlandmaine.gov



**City of Portland  
Permitting and Inspections Department  
Inspection Violations**

<b>Case Number:</b>		<b>Case Module:</b>	Permit Management
<b>Inspection Date:</b>	03/30/2018	<b>Inspection Status:</b>	Re-inspection required
<b>Inspector:</b>	Jason Duval	<b>Inspection Type:</b>	Housing Inspection
<b>Job Address:</b>	12 Irving St Portland, ME	<b>Parcel Number:</b>	129 B008001

<b>Contact Type</b>	<b>Company Name</b>	<b>Name</b>
Owner		Victoria Tripaldi, Trustee

Checklist Item	Passed	Comments
General Comments	False	<p>Outside unit- smoke alarm in bedroom does not work. Window in bedroom too small.</p> <p>Unit3- co needed in bedroom smoke missing in bedroom. Dryer room door needs to self close.</p> <p>Upstairs unit-smoke on second floor back stairwell doesn't work. Smoke alarms in common area not working. Smoke alarm in bedroom. Window does not meet egress in bedroom. Co alarm required.</p> <p>A plan of action is required within 30 days for window violations.</p>

Code Name	Comments	Deadline
NFPA 101-24.3.4.1; City Code 10-3(i)  Photoelectric smoke alarms must be provided in every sleeping room, outside each sleeping area, and on every level, including the basement. Smoke alarms must be hardwired with battery backup or 10-year sealed lithium battery alarms.	Unit 2 second floor unit requires working smoke alarms. Please check all alarms in unit. Smoke alarm in back stairwell does not work.	05/02/2018
NFPA 101-24.3.4.1; City Code 10-3(i)  Photoelectric smoke alarms must be provided in every sleeping room, outside each sleeping area, and on every level, including the basement. Smoke alarms must be hardwired with battery backup or 10-year sealed lithium battery alarms.	Garage unit bedroom requires working smoke alarm.	05/02/2018
City Code 10-3(l)  Carbon Monoxide alarms are required in each unit, on each level, including basements.	CO alarm required for unit 2 (upstairs unit) and for unit 3 (owner's unit).	05/02/2018
NFPA 101-24.2.2, 31.2.1.2  Each sleeping room shall have at least two means of escape, independent of and remote from the other.	Garage unit bedroom window does not meet egress compliant standards. Unit 2 second floor bedroom window does not meet egress compliant standards. Please see attached window policy for standards.	05/02/2018



**City of Portland  
Permitting and Inspections Department  
Inspection Violations**

<b>Case Number:</b>	HS-000002-2018	<b>Case Module:</b>	Permit Management
<b>Inspection Date:</b>	03/26/2018	<b>Inspection Status:</b>	In Violation
<b>Inspector:</b>	Jason Duval	<b>Inspection Type:</b>	Inspection
<b>Job Address:</b>	12 Irving St Portland, ME	<b>Parcel Number:</b>	129 B008001

<b>Contact Type</b>	<b>Company Name</b>	<b>Name</b>
Owner		Victoria Tripaldi, Trustee

Checklist Item	Passed	Comments
General Comments	False	Field Inspection 3/20/18 with tenant. Request made by tenant to inspect her unit. Inspected tenant's unit and basement of building. During the inspection it was noted that the building had 3 units. Per city records the legal use for the property at 12 Irving is 2 dwelling units for the principal structure on the lot with one dwelling unit in the former garage that is adjacent to the main building.

Code Name	Comments	Deadline
City Code 6-108(b) Interior walls must be structually sound, in good repair, and substantially vermin proof.	Wall opening in second floor back stairwell required to be properly covered.	05/02/2018
NFPA 101-24.3.4.1; City Code 10-3(i) Photoelectric smoke alarms must be provided in every sleeping room, outside each sleeping area, and on every level, including the basement. Smoke alarms must be hardwired with battery backup or 10-year sealed lithium battery alarms.	Smoke alarm required in the basement.	05/02/2018
City Code 10-3(l) Carbon Monoxide alarms are required in each unit, on each level, including basements.	Carbon Monoxide alarm required in the basement.	05/02/2018
NFPA 101-9.1.2; NFPA 70 All electrical equipment must comply with the National Electric Code.	Exposed electrical wiring at the bottom of front stairwell is required to be covered. Junction box in basement required to be covered.	05/02/2018
PFD Rules, 4.6 Unit or suite numbers must be clearly marked on doors, with the first numeral of each residential unit being the floor designation.	All unit doors require numbers.	05/02/2018



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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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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