



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

February 17, 2018

FLANDERS SCOTT D
70 LAWN AVE
PORTLAND, ME 04103

CBL: 132 G021001
Located at: 70 LAWN AVE

Certified Mail 7017268000054981464

Dear FLANDERS SCOTT D,

An evaluation of the above-referenced property on **02/15/2018** 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 100 days of the date of this notice. A re-inspection of the premises will occur on or before 06/27/2018 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 "Kevin Hanscombe", written over a white background.

Kevin Hanscombe
Code Enforcement Officer

**CITY OF PORTLAND
HOUSING SAFETY OFFICE**

389 Congress Street
Portland, Maine 04101

Inspection Violations

Owner/Manager FLANDERS SCOTT D		Inspector Kevin Hanscombe	Inspection Date 2/15/2018
Location 70 LAWN AVE	CBL 132 G021001	Status Violations Exist	Inspection Type Legalize Nonconforming units

Code	Int/Ext	Floor	Unit No.	Area	Compliance Date
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1) 211

Violation: OTHER

Notes: open insulation in basement must be removed or covered per manufacturers specifications

2) 210

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: 3rd floor bedroom

3) 211

Violation: OTHER

Notes: "zoning violation" Though not being currently used as such the 3rd floor has become its own dwelling unit.

Comments: "Zoning" You have stated that the current real use if that the 3rd floor is part of the 2nd floor rental and is not being used as its own dwelling. To remove the 3rd floor "separate" dwelling and combine the 3rd floor as an extended living space with the 2nd floor the kitchen must be removed (sink with plumbing closed off at wall, refrigerator removed, counter top and cabinets removed). Additionally, as discussed during our inspection the separation must be removed by removing the now current separate entry doors going into both units on the 2nd floor front hallway. You may install one entry door at the top of the stairs and again as discussed this will allow free and open access between the 2nd and third floors.



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Jonathan Rioux, Inspections Director

Information Bulletin: 2018-01

Secondary Means of Escape and Rescue Openings

Adopted: 02/02/2018 *MRR*

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.
