



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

October 23, 2017

RISBARA PETER L &  
36 RANDOLPH ST  
PORTLAND, ME 04103

**CBL: 263 C004001**  
**Located at: 976 BRIGHTON AVE**

**Certified Mail 7014 1820 0001 4049 5303**

Dear Risbara Peter L &,

An evaluation of the above-referenced property on **10/20/2017** 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 smoke/carbon monoxide alarm violations shall be corrected within **30** days of the date of this notice. Owner must submit a plan of action with a timeline for installing egress compliant windows in every sleeping room. 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,

A handwritten signature in black ink, appearing to read "Matthew Sarapas", with a stylized flourish at the end.

Matthew Sarapas  
Code Enforcement Officer

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**CITY OF PORTLAND  
HOUSING SAFETY OFFICE**

389 Congress Street  
Portland, Maine 04101

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**Inspection Violations**

<b>Owner/Manager</b> Risbara Peter L &		<b>Inspector</b> Matthew Sarapas	<b>Inspection Date</b> 10/20/2017
<b>Location</b> 976 BRIGHTON AVE	<b>CBL</b> 263 C004001	<b>Status</b> Failed	<b>Inspection Type</b> Housing Safety Re-Inspection

Code	Int/Ext	Floor	Unit No.	Area	Compliance Date
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1) 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:** Bedroom windows are not egress compliant, one second floor bedroom window doesn't stay open on it's own

2) 205

**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:** Second floor outside bedrooms

3) 207

**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:** Second floor outside bedrooms

**Comments:**

- (2) The dwelling unit is protected throughout by an approved automatic sprinkler system in accordance with 24.3.5.

The sprinkler system referred to in 24.2.2.1.2(2) must be installed in accordance with one of the following standards:

1. NFPA 13, *Standard for the Installation of Sprinkler Systems*
2. NFPA 13D, *Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes*<sup>4</sup>
3. NFPA 13R, *Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height*<sup>5</sup>

The sprinkler provision in 24.2.2.1.2(2) is probably the most practical and common way to avoid providing secondary means of escape. The sprinkler provision might be used, for example, in an underground dwelling without windows or in a dwelling where the windows do not comply with 24.2.2.3.3. Since new one- and two-family dwellings are required to be sprinklered per 24.3.5.1, they are exempt from the requirement for secondary means of escape.

**24.2.2.2 Primary Means of Escape.** The primary means of escape shall be a door, stairway, or ramp providing a means of unobstructed travel to the outside of the dwelling unit at street or the finished ground level.

A door, stairway, or ramp providing a means of unobstructed travel to the outside is usually provided for the functional purposes of entering and leaving the dwelling. Therefore, the requirement for a primary means of escape is almost automatically met in a typical dwelling.

Where an attic bedroom is accessible only by means of a trap door or folding ladder, the room does not meet the Code requirements for primary means of escape. Such bedrooms must be provided with direct stair access. See 24.2.5.6.

The primary means of escape from a dwelling unit in an apartment building, or from a guest room in a hotel, is permitted to lead to a means of egress, such as a corridor leading to exit stairs complying with Chapter 7.

**24.2.2.3 Secondary Means of Escape.** The secondary means of escape, other than an existing approved means of escape, shall be one of the means specified in 24.2.2.3.1 through 24.2.2.3.3.

**24.2.2.3.1** It shall be a door, stairway, passage, or hall providing a way of unobstructed travel to the outside of the dwelling at street or the finished ground level that is independent of and remote from the primary means of escape.

**24.2.2.3.2** It shall be a passage through an adjacent non-lockable space, independent of and remote from the primary means of escape, to any approved means of escape.

**24.2.2.3.3\*** 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 ft<sup>2</sup> (0.53 m<sup>2</sup>). The width shall be not less than 20 in. (510 mm), and the height shall be not less than 24 in. (610 mm). The bottom of the opening shall be not more than 44 in. (1120 mm) above the floor. Such means of escape shall be acceptable where one of the following criteria is met:

- (1) The window shall be within 20 ft (6100 mm) of the finished ground level.
- (2) The window shall be directly accessible to fire department rescue apparatus as approved by the authority having jurisdiction.
- (3) The window or door shall open onto an exterior balcony.
- (4) Windows having a sill height below the adjacent finished ground level shall be provided with a window well meeting the following criteria:
  - (a) The window well shall have horizontal dimensions that allow the window to be fully opened.
  - (b) The window well shall have an accessible net clear opening of not less than 9 ft<sup>2</sup> (0.82 m<sup>2</sup>) with a length and width of not less than 36 in. (915 mm).
  - (c) A window well with a vertical depth of more than 44 in. (1120 mm) shall be equipped with an approved permanently affixed ladder or with steps meeting the following criteria:
    - i. The ladder or steps shall not encroach more than 6 in. (150 mm) into the required dimensions of the window well.
    - ii. The ladder or steps shall not be obstructed by the window.

**A.24.2.2.3.3** A window with dimensions of 20 in. × 24 in. (510 mm × 610 mm) has an opening of 3.3 ft<sup>2</sup> (0.31 m<sup>2</sup>), which is less than the required 5.7 ft<sup>2</sup> (0.53 m<sup>2</sup>). Therefore, either the height or width needs to exceed the minimum requirement to provide the required clear area. [See Figure A.24.2.2.3.3.]

The purpose of the secondary means of escape is to provide an occupant with an alternate escape route when fire or smoke blocks the primary means of escape from the dwelling unit. The three types of sec-