



CITY OF PORTLAND
NOTICE OF VIOLATION

June 20, 2001

Robert J. & Mary Jo Brink
89 Verrill St.
Portland, ME
RE: 89 Verrill St. CBL:299 AA011

Certified Mail Receipt # 7099 3400 0019 5716 1011

Dear Mr & Ms Brink:

An evaluation of your property at 89 Verrill St. on June 14, 2001 @ 1:30 p.m. revealed that the structure fails to comply with Section 421. of the Boca 1999 Code of the City of Portland. Attached is a list of the violations and copies of the referenced Code sections. Inadequate barrier & alarm protection at swimming pool Sections 421.10. (1) through 421.10. (4)

This is a notice of violation pursuant to Section 421.10 of the Code. All referenced violations shall be corrected within 14 days of the date of this notice. A re-inspection of the premises will occur on July 5, 2001 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 and in Title 30-A M.R.S.A. ss 4452.

This constitutes an appealable decision pursuant to Section 6-127 of the Code. Please feel free to contact me @ 874-8708, 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 \$75.00 re-inspection fee. This violation will automatically cause a re-inspection at no charge. If there are any subsequent inspections, however, the \$75.00 fee will be assessed for each inspection.

Sincerely,

Code Enforcement Officer
Enclosure Sec.421 Boca 99
Kevin w. Carroll @ 874-8708

Code Enforcement Officer

1 Copy HAND DELIVERY
1 Copy Certified
1 Copy 1ST CLASS MAIL

NOTICE OF VIOLATION

(DATE) 6/18/01

(OWNERS NAME) Robert J. & Mary Jo Brink

(ADDRESS) 89 VERRILL ST

(CITY, STATE, ZIP CODE) Portland, ME

89 VERRILL ST 299A - A - 011
RE: (Property Location Chart-Block-Lot)

**1. General
Violation**

Mrs & Ms Brink
Dear (Name of Owner),

Certified Mail Receipt #

An evaluation of your property at (location) on (date & time) revealed that the structure fails to comply with Section 421.10 of the Code of the City of Portland.

Attached is a list of the violations and copies of the referenced Code sections.

This is a notice of violation pursuant to Section 421.10 of the Code. All referenced violations shall be corrected within 14 days of the date of this notice. A reinspection of the premises will occur on 7/5/01 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 and in Title 30-A M.R.S.A. ss 4452.

This constitutes an appealable decision pursuant to Section of the Code. Please feel free to contact me at 874-8708, 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 \$75.00 reinspection fee. This violation will automatically cause a reinspection at no charge. If there are any subsequent inspections, however, the \$75.00 fee will be assessed for each inspection. A copy of the amendment has been attached for your convenience.

Sincerely

KWC

Code Enforcement Officer

Enclosure Sec. 421 BOCA 99

cc/Central File

→ INADEQUATE BARRIER & ALARM PROTECTION AT
SWIMMING POOL Sections 421.10.(1) through 421.10.(4)

SECTION 420.0 MOBILE UNITS

420.1 General: A mobile unit is a structure of vehicular, portable design, built on a chassis and designed to be moved from one site to another, and to be used with or without a permanent foundation. Mobile units shall be designed, constructed and maintained to be transported from one location to another and not mounted on a permanent foundation. A mobile unit placed on a permanent foundation or on foundation piers shall be designed and constructed to comply with all of the requirements of this code for on-site and prefabricated construction.

420.2 Construction: Residential mobile units shall be of an approved design and shall be constructed in accordance with the applicable ordinances and statutes. All other mobile units shall be designed and constructed in accordance with the requirements of this code. All mobile units on a permanent foundation shall be evaluated, inspected and *labeled* in plant in accordance with Section 1703.3.

420.3 Location: Mobile units shall be located in approved spaces. The provisions of this code shall not be construed to repeal, modify or constitute an alternative to any lawful zoning regulations. In case of conflict between this code and any other ordinance or statute, the most rigid requirements shall apply.

420.3.1 Anchorage and tie-down: Every parking space for mobile units shall be provided with devices for anchoring the unit to prevent overturning or uplift. The *owner* of the parking space shall anchor or cause to be anchored all mobile units located on the parking space. Where concrete *platforms* are provided for the parking of mobile units, anchorage shall be provided by eyelets embedded in the concrete with adequate anchor plates or hooks, or other suitable means. The anchorage shall be adequate to withstand wind forces and uplift as required in Chapter 16 for buildings and structures, based upon the size and weight of the units.

SECTION 421.0 SWIMMING POOLS

421.1 General: Swimming and bathing pools shall conform to the requirements of this section, provided that these regulations shall not be applicable to any such pool less than 24 inches (610 mm) deep or having a surface area less than 250 square feet (23.25 m²), except where such pools are permanently equipped with a water-recirculating system or involve structural materials. For the purposes of this code, pools are classified as private swimming pools or public swimming pools, as defined in Section 421.2. Materials and constructions used in swimming pools shall comply with the applicable requirements of this code.

421.2 Definitions: The following words and terms shall, for the purposes of this section and as used elsewhere in this code, have the meanings shown herein.

Pools, swimming, hot tubs and spas

Above-ground/on-ground pool: See definition of private swimming pool.

Barrier: A fence, a wall, a building wall, the wall of an above-ground swimming pool or a combination thereof, which completely surrounds the swimming pool and obstructs access to the swimming pool.

Hot tub: See definition of private swimming pool.

In-ground pool: See definition of private swimming pool.

Power safety cover: A pool cover which is placed over the water area, and is opened and closed with a motorized mechanism activated by a control switch.

Private swimming pool: Any structure that contains water over 24 inches (610 mm) in depth and which is used, or intended to be used, for swimming or recreational bathing in connection with an occupancy in Use Group R-3 and which is available only to the family and guests of the householder. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas.

Private swimming pool, indoor: Any private swimming pool that is totally contained within a private structure and surrounded on all four sides by walls of said structure.

Private swimming pool, outdoor: Any private swimming pool that is not an indoor pool.

Public swimming pool: Any swimming pool other than a private swimming pool.

Spa: See definition of private swimming pool.

421.3 Permits and construction documents: A swimming pool or appurtenances thereto shall not be constructed, installed, enlarged or *altered* until *construction documents* have been submitted and a permit has been obtained from the code official. The approval of all city, county and state authorities having jurisdiction over swimming pools shall be obtained before applying to the code official for a permit. Certified copies of these approvals shall be filed as part of the supporting data for the permit application.

421.3.1 Construction documents: *Construction documents* shall accurately show dimensions and construction of the pool and appurtenances and properly established distances to *lot lines*, buildings, walks and fences, as well as details of the *water supply* system, drainage and water disposal systems, and all appurtenances pertaining to the swimming pool. Detailed *construction documents* of structures, vertical elevations and sections through the pool showing depth shall be included.

~~**421.4 Locations:** Private swimming pools shall not encroach on any front or side yard required by this code or by the governing zoning law, unless in accordance with specific rules of the jurisdiction in which the pool is located. A wall of a swimming pool shall not be located less than 6 feet (1829 mm) from any rear or side property line or 10 feet (3048 mm) from any street property line, unless in accordance with specific rules of the jurisdiction in which the pool is located.~~ *Local Zoning rule*

421.5 Structural design: The pool structure shall be engineered and designed to withstand the expected forces to which the pool will be subjected.

421.5.1 Wall slopes: To a depth up to 2 feet 9 inches (838 mm) from the top, the wall slope shall not be more than one unit horizontal in five units vertical (1:5).

421.5.2 Floor slopes: The slope of the floor on the shallow side of the transition point shall not exceed one unit vertical to seven units horizontal (1:7). For public pools greater than 1,200 square feet (111.6 m²), the slope of the floor on the shallow side of the transition point shall not exceed one unit vertical to ten units horizontal (1:10). The transition point between shallow and deep water shall not be more than 5 feet

(1524 mm) deep.

The maximum slope permitted between point D_2 and the transition point shall not exceed one unit vertical to three units horizontal (1:3) in private and public pools. D_1 is the point directly under the end of the diving board. D_2 is the point at which the floor begins to slope upwards to the transition point (see Figure 421.5.2).

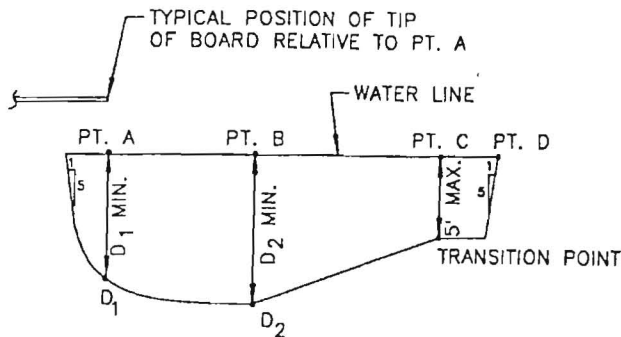


Figure 421.5.2
MINIMUM WATER DEPTHS AND DISTANCES BASED ON BOARD
HEIGHT FOR PUBLIC AND PRIVATE POOLS

421.5.3 Surface cleaning: All swimming pools shall be provided with a recirculating skimming device or overflow gutters to remove scum and foreign matter from the surface of the water. Where skimmers are used for private pools, there shall be at least one skimming device for each 1,000 square feet (93 m²) of surface area or fraction thereof. For public pools where water skimmers are used, there shall be at least one skimming device for each 600 square feet (55.8 m²) of surface area or fraction thereof. Overflow gutters shall not be less than 3 inches (76 mm) deep and shall be pitched to a slope of one unit vertical to 48 units horizontal (1:48) toward drains, and constructed so that such gutters are safe, cleanable and that matter entering the gutters will not be washed out by a sudden surge of entering water.

421.5.4 Walkways: All public swimming pools shall have walkways not less than 4 feet (1219 mm) in width extending entirely around the pool. Curbs or sidewalks around any swimming pool shall have a slip-resistant surface for a width of not less than 1 foot (305 mm) at the edge of the pool, and shall be so arranged as to prevent return of surface water to the pool.

421.5.5 Steps and ladders: At least one *means of egress* shall be provided from private pools. Public pools shall provide ladders or other *means of egress* at both sides of the diving section and at least one *means of egress* at the shallow section; or at least one *means of egress* in the deep section and the shallow section if diving boards are not provided. Treads of steps and ladders shall have slip-resistant surfaces and handrails on both sides, except that handrails are not required where there are not more than four steps or where the steps extend the full width of the side or end of the pool. Treads and risers of the pool steps shall conform to the following:

1. Step treads shall have a minimum unobstructed horizontal depth of 10 inches (254 mm) and a minimum unobstructed surface area of 240 square inches (0.15 m²).
2. Risers shall have a maximum uniform height of 12 inches (305 mm) as measured at the centerline of the tread. The height of the bottom riser shall not vary more than plus or minus 2 inches (51 mm) from the uniform riser height.

421.6 Water supply: All swimming pools shall be provided with a potable water supply, free of cross connections with the pool or its equipment.

421.6.1 Water treatment: Circulation equipment for public swimming pools shall be of adequate size to turn over the entire pool water content at least once every 8 hours. The system shall be designed to provide the proper turnover rate based upon the manufacturer's recommended maximum flow rate of the filter, in clean media condition. All recirculating systems shall be provided with a hair and lint strainer installed in the system ahead of the pump.

Circulation equipment for private swimming pools shall be of adequate size to turn over the entire pool water content at least once every 12 hours. The system shall be designed to provide the proper turnover rate based upon the manufacturer's recommended maximum flow rate of the filter in clean media condition. All recirculating systems shall be provided with a hair and lint strainer installed in the system ahead of the pump.

421.6.2 Drainage systems: The swimming pool and equipment shall be equipped to be emptied completely of water and the discharged water shall be disposed of in an approved manner that will not create a nuisance to adjoining property.

421.7 Appurtenant structures: All *appurtenant structures*, installations and equipment, such as showers, dressing rooms, equipment houses or other buildings and structures, including plumbing, heating and air conditioning systems, shall comply with all applicable requirements of this code.

421.7.1 Accessories: All swimming pool accessories shall be designed, constructed and installed so as not to be a safety hazard. Installations or structures for diving purposes shall be properly anchored to insure stability.

421.8 Equipment installations: Pumps, filters and other mechanical and electrical equipment for public swimming pools shall be enclosed in such a manner as to provide access only to authorized persons and not to bathers. Construction and drainage shall be arranged to avoid the entrance and accumulation of water in the vicinity of electrical equipment.

421.9 Enclosures for public swimming pools: Public swimming pools shall be provided with an enclosure surrounding the pool area. The enclosure shall meet the provisions of Sections 421.9.1 through 421.9.3.

421.9.1 Enclosure: The enclosure shall extend not less than 4 feet (1219 mm) above the ground. All gates shall be self-closing and self-latching with latches placed at least 4 feet (1219 mm) above the ground.

421.9.2 Construction: Enclosure fences shall be constructed so as to prohibit the passage of a sphere larger than 4 inches (102 mm) in diameter through any opening or under the fence. Fences shall be designed to withstand a horizontal concentrated load of 200 pounds (896 N) applied on a 1-square-foot (0.093 m²) area at any point of the fence.

421.9.3 Alternative devices: A natural barrier, pool cover or other protective device approved by the governing body shall be an acceptable enclosure as long as the degree of protection afforded by the substituted device or structure is not less than the protection afforded by the enclosure, gate and latch described herein.

421.10 Enclosures for private swimming pools, spas and hot tubs: Private swimming pools, spas and hot tubs shall be enclosed in accordance with Sections 421.10.1 through 421.10.4 or by other approved barriers.

421.10.1 Outdoor private swimming pool: An outdoor private swimming pool, including an in-ground, above-ground or on-ground pool, hot tub or spa shall be provided with a barrier which shall comply with the following.

1. The top of the barrier shall be at least 48 inches (1219 mm) above finished ground level measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between finished ground level and the barrier shall be 2 inches (51 mm) measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above finished ground level, such as an above-ground pool, the barrier shall be at finished ground level, such as the pool structure, or shall be mounted on top of the pool structure. Where the barrier is mounted on the pool structure, the opening between the top surface of the pool frame and the bottom of the barrier shall not allow passage of a 4-inch (102 mm) diameter sphere.
2. Openings in the barrier shall not allow passage of a 4-inch (102 mm) diameter sphere.
3. Solid barriers shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.
4. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches (1143 mm), the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed 1³/₄ inches (44 mm) in width. Decorative cutouts shall not exceed 1³/₄ inches (44 mm) in width.
5. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches (1143 mm) or more, spacing between vertical members shall not exceed 4 inches (102 mm). Decorative cutouts shall not exceed 1³/₄ inches (44 mm) in width.
6. Maximum mesh size for chain link fences shall be a 1¹/₄-inch (32 mm) square unless the fence is provided with slats fastened at the top or the bottom which

reduce the openings to not more than 1³/₄ inches (44 mm).

7. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall be not more than 1³/₄ inches (44 mm).
8. Access gates shall comply with the requirements of items 1 through 7 of Section 421.10.1, and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outwards away from the pool and shall be self-closing and have a self-latching device. Gates other than pedestrian access gates shall have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from the bottom of the gate: (a) the release mechanism shall be located on the pool side of the gate at least 3 inches (76 mm) below the top of the gate; and (b) the gate and barrier shall not have an opening greater than 1/2 inch (13 mm) within 18 inches (457 mm) of the release mechanism.
9. Where a wall of a *dwelling unit* serves as part of the barrier and contains a door that provides direct access to the pool, one of the following shall apply:
 - 9.1. All doors with direct access to the pool through that wall shall be equipped with an alarm which produces an audible warning when the door and its screen, if present, are opened. The audible warning shall commence not more than 7 seconds after the door and door screen, if present, are opened and shall sound continuously for a minimum of 30 seconds. The alarm shall have a minimum sound pressure rating of 85 dBA at 10 feet (3048 mm) and the sound of the alarm shall be distinctive from other household sounds such as smoke alarms, telephones and door bells. The alarm shall automatically reset under all conditions. The alarm shall be equipped with manual means, such as touchpads or switches, to deactivate temporarily the alarm for a single opening from either direction. Such deactivation shall last for not more than 15 seconds. The deactivation touchpads or switches shall be located at least 54 inches (1372 mm) above the threshold of the door.
 - 9.2. All doors with direct access to the pool through that wall shall be equipped with a self-closing and self-latching device with the release mechanism located a minimum of 54 inches (1372 mm) above the floor. Swinging doors shall open away from the pool area.
 - 9.3. The pool shall be equipped with a power safety cover. Where in a closed position, the cover shall be capable of holding a weight of 485 pounds (2157 N), shall not have any openings that allow passage of a 4¹/₂-inch (114 mm) sphere and shall incorporate a system to drain standing water that collects on the cover. The cover control switch shall be permanently in-

stalled in accordance with NFPA 70 listed in Chapter 35, and be key-operated and of a spring-loaded or momentary-contact type. Where the switch is released, the operation of the cover shall stop instantly and be capable of reversing direction immediately. The switch shall be in the line of sight of the complete pool cover.

10. Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a fixed or removable ladder or steps, the ladder or steps shall be surrounded by a barrier which meets the requirements of items 1 through 9 of Section 421.10.1. A removable ladder shall not constitute an acceptable alternative to enclosure requirements.

421.10.2 Indoor private swimming pool: All walls surrounding an indoor private swimming pool shall comply with Section 421.10.1, item 9.

421.10.3 Prohibited locations: Barriers shall be located so as to prohibit permanent structures, equipment or similar objects from being used to climb the barriers.

421.10.4 Exemptions: The following shall be exempt from the provisions of this section.

1. A spa or hot tub with an approved safety cover.
2. Fixtures which are drained after each use.

421.11 Diving boards: Minimum water depths and distances for diving hoppers for pools, based on board height above water, shall comply with Table 421.11(1) for public pools and Table 421.11(2) for private pools.

Table 421.11(1)
MINIMUM WATER DEPTHS AND DISTANCES BASED ON BOARD HEIGHT FOR PUBLIC POOLS^a

Board height	Minimum depth ^b at D ₁ directly under end of board	Distance ^b between D ₁ and D ₂	Minimum depth ^b at D ₂
2'2" (2/3 meter)	7'0"	8'0"	8'6"
2'6" (3/4 meter)	7'6"	9'0"	9'0"
1 meter	8'6"	10'0"	10'0"
3 meter	11'0"	10'0"	12'0"

Note a. See Figure 421.5.2 for the locations of D₁ and D₂.

Note b. 1 foot = 304.8 mm.

Table 421.11(2)
MINIMUM WATER DEPTHS AND DISTANCES BASED ON BOARD HEIGHT FOR PRIVATE POOLS^a

Board height	Minimum depth ^b at D ₁ directly under end of board	Distance ^b between D ₁ and D ₂	Minimum depth ^b at D ₂
1'8" (1/2 meter)	6'0"	7'0"	7'6"
2'2" (2/3 meter)	6'10"	7'6"	8'0"
2'6" (3/4 meter)	7'5"	8'0"	8'0"
3'4" (1 meter)	8'6"	9'0"	9'0"

Note a. See Figure 421.5.2 for the locations of D₁ and D₂.

Note b. 1 foot = 304.8 mm.

SECTION 422.0 STORAGE RACKS

422.1 Applicability: The provisions of this section shall apply to all parts of buildings and structures which contain bin box storage, or shelf storage, rack systems as herein defined.

422.2 Definitions: The following words and terms shall, for the purposes of this section and as used elsewhere in this code, have the meanings shown herein.

Bin box storage: Storage in five-sided boxes with open face on the aisle. Boxes are self-supporting or supported by a structure so designed that little or no horizontal or vertical space exists around boxes.

Rack systems: Structures designed to store materials and products.

Shelf storage: Storage on structures equal to or less than 30 inches (762 mm) deep with shelves a maximum of 2 feet (610 mm) apart vertically and separated by minimum 30-inch (762 mm) aisles.

422.3 Rack systems: Bin box storage, or shelf storage, rack systems, including their aisles and stairs, shall not contribute to the number of stories as regulated by Section 503.3, or to the number of mezzanines as regulated by Section 505.0, where meeting all of the following conditions:

1. The building, including the rack systems, is equipped throughout with an automatic sprinkler system in accordance with Section 906.2.1.
2. The rack systems, aisles, and stairs are not part of the structural framework of the building.
3. The rack systems and stairs are of noncombustible materials. The aisles are of expanded metal or metal grid.
4. The structural design of the rack systems, aisles, and stairs complies with Chapter 16.
5. The aisles and stairways are designed to comply with the means of egress provisions of Chapter 10.

WSP
#231x

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Robert J. & Mary Jo Brink
89 Verrill Street
Portland, ME

CBL# 299 AA011

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

6/22

C. Signature

X

Juanita McLeod

☐ Agent☐ Addressee

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☐ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number (Copy from service label)

7099 3400 0019 5716 1011

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY							
<ul style="list-style-type: none">■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits.		<table border="1"><tr><td>A. Received by (Please Print Clearly)</td><td>B. Date of Delivery 6/22</td></tr><tr><td colspan="2">C. Signature X <i>Juanita McLeod</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</td></tr><tr><td colspan="2">D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</td></tr></table>		A. Received by (Please Print Clearly)	B. Date of Delivery 6/22	C. Signature X <i>Juanita McLeod</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
A. Received by (Please Print Clearly)	B. Date of Delivery 6/22								
C. Signature X <i>Juanita McLeod</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee									
D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No									
1. Article Addressed to: Robert J. & Mary Jo Brink 89 Verrill Street Portland, ME CBL# 299 AA011		3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.							
2. Article Number (Copy from service label) 7099 3400 0019 5716 1011		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes							

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

7099 3400 0039 5716 1011

CBL 099 AA011

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Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

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Street, Apt. No., or PO Box No.

City, State, ZIP+4

PS Form 3800, February 2000

See Reverse for Instructions