

**City of Portland, Maine**  
**Inspections Division**  
**Inspection Schedule**

Dist. # Fire Insp	Sch. Date: Contact:	ParcelNo	Appl. Type Inspector	Schedule Type Comments	Appl #:	Location
4	04/15/2003 JAMES COMPANY LLC JAMES COMPANY LLC	415 B002001	Complaint Marland Wing	Inspection complaint	1201	1041 OCEAN AVE
4	07/02/2003 JAMES COMPANY LLC JAMES COMPANY LLC	415 B002001	Complaint	Inspection hand deliver notice of violation illegal unit	1201	1041 OCEAN AVE
4	08/04/2003 GOODSON LARRY V & JAMES COMPANY LLC	415 B002001	Complaint	Inspection	0	1041 OCEAN AVE
4	02/02/2004 Irving James Irving James ( ) 415-7023 ( ) 773-7731	415 B002001	Complaint Jonathan Reed Tom Markley	Inspection with Jon Reed	545	1041 OCEAN AVE
2	02/04/2004 JAMES COMPANY LLC JAMES COMPANY LLC	415 B002001	Complaint Jonathan Reed Arthur Rowe	Inspection met with Tom Leary DPW re:sewage complaint	1201	1041 OCEAN AVE
4	02/13/2004 James Company Llc	415 B002001	Building Permit Marland Wing Tom Markley	Inspection	0	1041 Ocean Ave
4	03/12/2004 James Company Llc Irving James ( ) 415-7023	415 B002001	District 3	Inspection	0	1041 OCEAN AVE
4	03/16/2004 James Company Llc	415 B002001	Complaint Marland Wing Tom Markley	Inspection Re-inspect posted apartment with owner	0	1041 Ocean Ave
4	04/05/2005 JAMES COMPANY LLC	415 B002001	Complaint Jonathan Reed Arthur Rowe	Social Services/General Assistan GA Inspection. See Irving James on site. Tenant is Evelyn Higgins.	0	1041 OCEAN AVE
4	03/07/2006 JAMES COMPANY LLC John Goodwin (207) 749-6137 ( )	415 B002001	Complaint Mike Nugent Jonathan Reed	Inspection Septic is backing up and running into the neighbors yard. There is also an illegal apt above the garage, and the furnace for the apt is not properly vented. Smoke stack fell off and was never replaced, now it's just a straight pipe running out of the side of the garage. See pictures.	7015	1041 OCEAN AVE
4	03/08/2006 JAMES COMPANY LLC	415 B002001	Building Permit Jonathan Reed Arthur Rowe	Inspection complaint 11:00 a.m.	0	1041 OCEAN AVE
4	04/06/2006 JAMES COMPANY LLC	415 B002001	Complaint Jonathan Reed Arthur Rowe	Inspection Neighbor complained of smell. Went to home and lady there showed him that her basement is flooded w/ raw sewage. Doesn't want the property owner to know he called.....	7155	1041 OCEAN AVE

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Dist. #	Sch. Date:	ParcelNo	Appl. Type	Schedule Type	Appl #:	Location
Fire Insp	Contact:		Inspector	Comments		
4	05/18/2006	415 B002001	Building Permit	Inspection	0	1041 OCEAN AVE
	JAMES COMPANY LLC		Jonathan Reed Arthur Rowe	Going to property to take water sample and test for possible failed septic.		
4	05/22/2006	415 B002001	Housing	Inspection	0	1041 OCEAN AVE
	JAMES COMPANY LLC		Jonathan Reed Arthur Rowe	This is a two person re-inspection for a NOV to determine compliance.		
4	07/18/2006	415 B002001	Complaint	Inspection	7566	1041 Ocean Ave
	NOYES & HALL		Jeanie Bourke Arthur Rowe	Please schedule an inspection for next week 1) Illegal Apartment 2) Illegal Expansion of repair business 3)Malfunctioning Septic System. MJN.....Met Irving James on site with MJN and A. Rowe. Assessed the use of property as auto shop for detailing, mechanic and state inspections. There are vehicles stored on site in the front yard for repair work, and in the rear field. Irving J. Said that sometimes cars are left on site not paid for and he may resell. He may need some permits from the state for this activity. He said that there is no apartment above the shop and that was resolved with Jon Reed. He did have the septic tank pumped and showed us the location....no apparent leaking. His contact info is 773-1731 bz, 415-7023 cell, 892-7047 hm.....jmb		
4	04/27/2007	415 B002001	Complaint	Inspection	9271	1041 OCEAN AVE
	JAMES COMPANY LLC		Suzanne Hunt	All of the previous complaints are still happening, sewage is bubbling up in the back yard. There are still about 18 cars in the back and the illegal apt is still being rented.. Drove by si called 415-7023 on 5/2/07 nd left message re sewage test need for. Smh		
4	Y 06/11/2008	415 B002001	Complaint	Inspection	9345	1041 OCEAN AVE
	JAMES COMPANY LLC		Greg Cass Mike Menario	WE NEED TO COORDINATE THIS WITH THE FIRE INSPECTION FOR THE GARAGE. THERE HAVE BEEN ISSUES WITH THIS PROPERTY FOR YEARS, AND WE NEED TO BE A UNITED FRONT.....Running a garage out of there home, Noise, working on cars in the road, Big Dumpster on the road, trash blowing, Stream being polluted with oil and gas, Same as previous complaints		

Total Listed: 17

containing three (3) or more rooming units in which space is rented or offered for rent by the owner or operator to be occupied or intended to be occupied by three (3) or more persons who are not related by blood or marriage to the owner or operator.

*Rooming unit* shall mean one (1) or more rooms forming a single unit used, or intended to be used, for living and sleeping purposes, but not designed for food preparation, by two (2) or more persons living in common or by a person living alone.

*Supplied* shall mean installed, furnished, or provided by the owner at his or her expense.

(Code 1968, § 307.2; Ord. No. 310-68, § 1, 8-5-68; Ord. No. 490-74, § 1, 8-5-74; Ord. No. 114-77, § 2, 2-23-77; Ord. No. 475-86, § 1, 4-7-86; Ord. No. 159-95, 1-4-95; Ord. No. 45-04/05, 9-8-04)

**Cross reference(s)**--Definitions and rules of construction generally, § 1-2.

#### **Sec. 6-107. Minimum standards for dwellings established.**

There are hereby established minimum standards for buildings used for dwelling purposes in the city. All such buildings not now conforming to these standards will be required to meet such minimum standards, and buildings newly constructed or converted for dwelling purposes shall meet such minimum standards. The standards set forth herein are intended to be minimum only and shall not be construed otherwise, nor shall they apply wherever a greater standard is required by any other ordinance or law.

(Code 1968, § 307.1; Ord. No. 475-86, § 1, 4-7-86)

#### **Sec. 6-108. Minimum standards for structural elements.**

No person shall occupy as owner-occupant or shall allow another to occupy any dwelling, dwelling unit, rooming house, rooming unit, or a combination of the same, which does not comply with the following minimum standards:

- (a) *Foundations, basements, cellars, exterior walls, roofs.* Every foundation, basement, cellar, exterior wall, and roof shall be substantially weathertight, watertight, and vermin proof; shall be structurally sound and in good repair; and shall be safe for the intended use as well as capable of supporting whatever load normal use may cause to be placed thereon. Every exterior wall or portion thereof shall be painted or stained. Insulation shall be installed and maintained so as not to present a health or safety hazard to occupants. Water from roofs shall be so drained and conveyed therefrom as not to cause repeatedly

wet floors, walls, or ceilings, or hazard to adjacent buildings or the occupants thereof.

- (b) *Interior floors, walls, ceilings and doors.* Every floor, wall, ceiling, and door shall be in a structurally sound condition and in good repair and shall be substantially vermin proof.
- (c) *Exterior windows, doors and skylights.* Every window or door, including basement or cellar door and hatchway, and skylight shall be substantially weathertight, watertight, and vermin proof and shall be kept in sound working condition and good repair.

Every exterior window shall include storm sash with screens or an alternative equally effective for heat retention and ventilation purposes, all in operable condition.

- (d) *Stairways, stairwells, stairs and porches.* Every inside and outside stairway, stairwell, stairs, and porch and any appurtenances thereto shall be structurally sound, in good repair, and safe to use.
- (e) *Chimneys, flues and vent.* Every chimney and every flue, vent, and smokepipe and any attachments thereto shall be structurally sound, in good repair, and safe to use.
- (f) *Required equipment and utilities.* Every supplied facility, piece of equipment, or utility which is required under this article shall be so constructed and installed that it will function safely and effectively and shall be maintained in good working condition.

(Code 1968, § 307.3; Ord. No. 475-86, § 3, 4-7-86)

**Sec. 6-109. Sanitation and maintenance of equipment; division of responsibility therefor.**

Every dwelling, dwelling unit, roominghouse, rooming unit, dwelling premises, or combination of the same, shall be kept and maintained in a sanitary and clean condition, and facilities shall be provided, in accordance with the following division of responsibility:

- (a) *Maintenance of assigned areas.* Every occupant of a dwelling, dwelling unit, or rooming unit shall maintain in a clean and sanitary manner that part of the dwelling,

dwelling unit, or rooming unit, and dwelling premises which he or she occupies and controls.

(b) *Maintenance of shared areas.* Every owner or operator of a multiple dwelling or rooming house shall maintain in a clean and sanitary condition the shared or public areas of the dwelling and dwelling premises.

(c) *Maintenance of supplied facilities.* Every occupant of a dwelling unit shall keep all supplied facilities, including refrigeration, plumbing and cooking equipment, in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in their proper use and operation.

(d) *Disposal of rubbish, ashes, garbage and waste.* Separate watertight, tightly covered plastic or metal containers shall be provided, one (1) or more for garbage and other food wastes, one (1) or more for rubbish, paper, and other non-food wastes, and one (1) or more metal containers for ashes, and all such containers shall be kept covered at all times so as to prevent the ingress and egress of flies, rats or other animals. Plastic or paper bags or boxes are not considered "containers" for purposes of this section. Ashes shall be cold when placed in containers for collection. Such containers shall be cleaned periodically so that they will not become foul or offensive and shall be placed in convenient locations for removal of the contents by persons authorized to collect the same. Every occupant of a dwelling, dwelling unit, rooming house or rooming unit shall place or cause to be placed all garbage, rubbish and other waste material in such containers and shall not permit any accumulation or deposit of such substances in or about the premises except in said containers. The responsibility for the provision of such containers shall be as follows:

1. It shall be the duty of every occupant of every dwelling occupied by not more than two (2) families to provide and keep within the dwelling or upon the premises where the dwelling is situated sufficient containers to meet the above requirements.
2. It shall be the duty of the owner or operator of every multiple dwelling to provide and keep within the dwelling or upon the premises where the dwelling is situated sufficient containers to meet

the above requirements.

3. It shall be the duty of every owner or operator of a rooming house to provide and keep within the dwelling or upon the premises where the dwelling is situated sufficient containers to meet the above requirements.

(e) *Rodent and vermin control.* Every dwelling, dwelling unit, rooming house, rooming unit, and dwelling premises shall be kept and maintained free from insects, rodents, or other pests in accordance with the following division of responsibility:

1. Every occupant of a dwelling unit shall be responsible for the extermination of such insects, rodents, or other pests where the infestation is confined to such dwelling unit, except as provided in subsection 6-109(e)2.
2. When infestation of a dwelling unit shall exist because of the failure of the owner or operator of a dwelling or dwelling premises to keep the same in a substantially rodent or vermin-proof condition, extermination shall be the responsibility of the owner or operator.
3. Every owner or operator of a dwelling shall be responsible for the extermination of such insects, rodents, or other pests whenever infestation exists in any two (2) or more dwelling and/or rooming units, or in shared areas or upon the dwelling premises.
4. Every owner or operator of a rooming house shall be responsible for the extermination of any insects, rodents, or other pests in the dwelling or upon the dwelling premises.

(f) *Maintenance of service to utilities.* No owner, operator or occupant shall cause any service, facility, equipment or utility supplied in accordance with the requirements of this article to be removed, shut off, or discontinued for any occupied dwelling, dwelling unit, rooming house, or rooming unit except for such temporary interruption as may be necessary when actual repairs or alterations are being expeditiously made. For purposes of this Code,

whenever it is established that the interruption was for more than twelve (12) hours within a twenty-four-hour period, the owner or operator shall have the burden of producing evidence proving the interruption was necessary and unavoidable given all the surrounding circumstances.

- (g) *Vacating of premises.* It shall be the duty of every occupant of a dwelling, dwelling unit or rooming unit, upon vacating such premises, to leave the premises in a clean and sanitary condition with no accumulation of rubbish or other debris. No owner or operator shall allow another to occupy any dwelling, dwelling unit, or rooming unit which has not been placed in a clean and sanitary condition with no accumulation of rubbish or other debris.

(Code 1968, § 307.4; Ord. No. 475-86, § 4, 4-7-86)

**Sec. 6-109.5. Standards for unoccupied residential structures.**

The owner of any unoccupied structure containing dwelling units or rooming units or any combination thereof shall comply with the following minimum standards:

- (a) *Foundations, basements, cellars, exterior walls, roofs.* Every foundation, basement, cellar, exterior wall and roof shall be substantially weathertight, watertight and vermin-proof; shall be structurally sound and in good repair; and shall be safe for the intended use as well as capable of supporting whatever load normal use may cause to be placed thereon. Every exterior wall or portion thereof shall be painted or stained. Water from roofs shall be so drained and conveyed therefrom as not to cause repeatedly wet floors, walls or ceilings, or hazard to adjacent buildings or the occupants thereof.
- (b) *Interior floors, walls, ceilings and doors.* Every floor, wall, ceiling and door shall be in a structurally sound condition and shall be substantially vermin-proof.
- (c) *Exterior windows, doors and skylights.* Every window or door, including basement or cellar door and hatchway, and skylight shall be substantially weathertight, watertight and vermin-proof, and shall be kept secured to prevent ingress of people and animals.
- (d) *Stairways, stairwells, stairs and porches.* Every outside stairway, stairwell, stairs and porch and any

appurtenances thereto shall be structurally sound, in good repair and safe to use.

(e) *Chimneys, flues and vent.* Every chimney shall be structurally sound and in good repair.

(f) *Rodent and vermin control.* All unoccupied structures and exterior property shall be kept free from rodent and vermin infestation. Where rodents and vermin are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. Every owner or operator of an unoccupied residential structure shall be responsible for the extermination of such rodent and vermin or pest whenever infestation exists.

(Ord. No. 172B-94, 2-7-94)

**Sec. 6-110. Minimum standards for space and occupancy thereof.**

No person shall occupy as owner-occupant or shall let to another for occupancy any dwelling, dwelling unit, or rooming unit which is or would be overcrowded as determined by the following minimum standards for space and occupancy:

- (a) *Space per person.* Every dwelling unit shall contain at least one hundred (100) square feet of habitable floor area for the first occupant and at least seventy (70) square feet of additional habitable floor area for each additional occupant. For the purpose of this subsection, a child under the age of one (1) shall not be counted.
- (b) *Efficiency apartments.* A dwelling unit occupied by two (2) or more occupants which contains a room not intended primarily for cooking or sleeping, but which is properly designed and equipped or especially furnished with either a kitchenette or wall-type kitchen unit and bed-furniture properly designed for daytime storage or other daytime use, to be maintained as a combination of regular living and efficiency cooking, may contain seventy (70) square feet less habitable floor area than would otherwise be required. For the purpose of this subsection, a child under the age of one (1) shall not be counted.
- (c) *Sleeping space.* Every room occupied for sleeping purposes in a dwelling unit and in a rooming unit shall contain at least fifty (50) square feet of habitable floor area for each occupant, except that children under one (1) shall not be counted and children more than one (1) but less



than ten (10) shall be deemed one-half person.

(d) *Size of habitable rooms.* No habitable room, other than a kitchen or dining alcove, shall contain less than sixty-five (65) square feet of floor area, nor shall the least horizontal dimension of such room be less than seven (7) feet.

(e) *Computation of floor area.* In computing floor area for the purposes of this section, the space used for closets or other enclosed spaces and, in the case of rooms with sloping ceilings, portions of such rooms with less than four (4) feet in height shall be excluded in computing the area.

(f) *Basement dwelling units.* Every room in any cellar or basement used for the purposes of a habitable room shall meet the following conditions:

1. The ceiling shall have a clear inner height of at least seven (7) feet and shall be at least three (3) feet above the grade of the ground at the points where the required windows open.
2. The floor and walls shall be water- and damp-proof and the room shall be well drained and dry.
3. There shall be one (1) or more windows, the combined total sash area of which shall be not less than eight (8) square feet, or one-twelfth of total floor area, whichever is greater, which windows shall open readily for purposes of ventilation directly to the outside air.

(g) *Notice of maximum occupancy required.* When a person lets to another for occupancy any dwelling, dwelling unit, or rooming unit, he or she shall notify the occupant in writing of the maximum number of persons permitted to occupy the premises by the provisions of this article.

(Code 1968, § 307.5)

**Sec. 6-111. Minimum plumbing standards.**

No person shall occupy as owner-occupant or shall allow another to occupy any dwelling, dwelling unit, rooming house, or rooming unit which does not comply with the following minimum standards:

containing three (3) or more rooming units in which space is rented or offered for rent by the owner or operator to be occupied or intended to be occupied by three (3) or more persons who are not related by blood or marriage to the owner or operator.

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wet floors, walls, or ceilings, or hazard to adjacent buildings or the occupants thereof.

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Every exterior window shall include storm sash with screens or an alternative equally effective for heat retention and ventilation purposes, all in operable condition.

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(e) *Chimneys, flues and vent.* Every chimney and every flue, vent, and smokepipe and any attachments thereto shall be structurally sound, in good repair, and safe to use.

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dwelling unit, or rooming unit, and dwelling premises which he or she occupies and controls.

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- (c) *Sleeping space.* Every room occupied for sleeping purposes in a dwelling unit and in a rooming unit shall contain at least fifty (50) square feet of habitable floor area for each occupant, except that children under one (1) shall not be counted and children more than one (1) but less

than ten (10) shall be deemed one-half person.

- (d) *Size of habitable rooms.* No habitable room, other than a kitchen or dining alcove, shall contain less than sixty-five (65) square feet of floor area, nor shall the least horizontal dimension of such room be less than seven (7) feet.
- (e) *Computation of floor area.* In computing floor area for the purposes of this section, the space used for closets or other enclosed spaces and, in the case of rooms with sloping ceilings, portions of such rooms with less than four (4) feet in height shall be excluded in computing the area.
- (f) *Basement dwelling units.* Every room in any cellar or basement used for the purposes of a habitable room shall meet the following conditions:
1. The ceiling shall have a clear inner height of at least seven (7) feet and shall be at least three (3) feet above the grade of the ground at the points where the required windows open.
  2. The floor and walls shall be water- and damp-proof and the room shall be well drained and dry.
  3. There shall be one (1) or more windows, the combined total sash area of which shall be not less than eight (8) square feet, or one-twelfth of total floor area, whichever is greater, which windows shall open readily for purposes of ventilation directly to the outside air.
- (g) *Notice of maximum occupancy required.* When a person lets to another for occupancy any dwelling, dwelling unit, or rooming unit, he or she shall notify the occupant in writing of the maximum number of persons permitted to occupy the premises by the provisions of this article.

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