

Portland, Maine



Yes. Life's good

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

Jonathan Rioux, Inspections Director

4/3/2018

Berzinis, Wayne
483 Roosevelt Trail
Windham Maine 04062

RE: CBL 427 D021001
41 Arcadia St.
Portland, ME 04103

Certified Mail 7015 0920 0001 0776 6713

NOTICE OF VIOLATION
AND ORDER TO CORRECT

Dear Wayne Berzinism,

The City of Portland Housing Safety Office inspected the above-referenced property on April 03, 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,

Kevin Hanscombe
Code Enforcement Officer
kah@portlandmaine.gov
City of Portland



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

Case Number:	20182354	Case Module:	Permit Management
Inspection Date:	04/03/2018	Inspection Status:	Re-inspection required
Inspector:	Kevin Hanscombe	Inspection Type:	Long Term Rental Registration
Job Address:	41 Arcadia St Portland, ME	Parcel Number:	427 D021001

Contact Type	Company Name	Name
		Wayne Berzinis

Checklist Item	Passed	Comments
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Code Name	Comments	Deadline
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.	Windows in 4 bedrooms did not meet 24" in height but it appeared they might be able to with some adjustments. Either way owner will owner will correct and make sure secondary means of escape in all bedrooms meet code	06/15/2018



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Information Bulletin: 2018-01
Secondary Means of Escape and Rescue Openings
Adopted: 02/02/2018 *MAR*

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.
