

City of Portland, Maine

IN THE CITY COUNCIL

AMENDMENT TO PORTLAND CITY CODE §§6-16, 6-18 (BUILDING CODE); §§6-86, 6-88 (MECHANICAL CODE) RE: BOCA BUILDING AND MECHANICAL CODES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND, MAINE
IN CITY COUNCIL ASSEMBLED AS FOLLOWS:

1. That Section 6-16 of the Portland City Code is hereby amended
to read as follows:

Sec. 6-16. Adoption of BOCA National Building Code.

There is hereby adopted for the purpose of regulating the
construction, alteration, addition, repair, removal, demolition,
use location, occupancy and maintenance of all buildings and
structures, the following certain code recommended by the Building
Officials and Code Administrators International, Inc., the BOCA
National Building Code, 1990³ edition, and the whole thereof,
except for such portions as are deleted, modified or amended in
this article.

2. That Section 6-18 of the Portland City Code is hereby repealed
and new section 6-18 is hereby enacted, said new section to read as
follows:

Sec. 6-18. Amendments:

The BOCA National Building Code is amended as follows:

Section 107.3. By whom application is made, is repealed and
replaced as follows:

Section 107.3. By whom application is made: Application for a
permit shall be made by the owner or lessee of the building or
structure, or agent or either, or by the licensed engineer or
architect employed in connection with the proposed work. If the
application is made by a person other than the owner in fee, the
applicant shall provide the building authority with evidence that
the proposed work is authorized by the owner in fee and that the
applicant is authorized to make such application. The full names
and addresses of the owner, lessee, applicant, and of the
responsible officers if the owner or lessee is a corporate body,
shall be stated in the application.

Section 108.6.1. Revocation of permits, is amended by adding
the following sentence at the end thereof:

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In addition, such permit or approval may be revoked by the building official if the issuance thereof was based on a mistake of law.

Section 110.4 Demolition of structures, is amended by adding the following subsections:

110.4.1 Dust prevention: The person to whom a permit is issued shall dampen or cause to be dampened all debris resulting from the demolition operation to the extent necessary to prevent dust therefrom from circulating in the surrounding area.

110.4.2 Expiration of permit: A permit to demolish or remove a structure shall expire thirty (30) days after the date of its issuance, provided that for good cause the building official may extend the permit for periods of not more than fifteen (15) days.

110.4.3 Removal and disposal of asbestos: Before a permit to demolish or remove a structure is issued, the health officer shall inspect the premises for the presence of friable asbestos material. For the purposes of this subsection, friable asbestos material means any material that contains more than one (1) percent asbestos by weight and that can be crumbled, pulverized, or reduced to powder, when dry, by hand pressure. No permit shall be issued until the applicant has removed and disposed of all such material as may be present in potentially hazardous amounts, in accordance with applicable state and federal regulations.

110.4.4 Demolition of certain structures: Except as provided in article IX of chapter 1 of this Code, no permit shall be issued for the demolition of any structure subject to the provisions of that article.

110.4.5 Removal and disposal of demolition debris: Before a permit either to demolish or remove a structure or a part thereof or to remove or dispose of existing demolition debris, as defined herein, is issued, the applicant will satisfy the building official that:

1. All such debris will be removed from the premises and transported to the mainland for disposal prior to the expiration of the permit;
2. The debris will be removed to the Regional Waste System construction and demolition debris disposal facility, as required by section 12-103 of this Code; and
3. The disposal of the debris at such facility will be in accordance with all applicable federal and state rules, statutes, and regulations relating to the transportation and disposition of such material.

110.4.6 Demolition debris: Demolition debris includes, but is not limited to, materials which are created by site preparation, clearing land or erection of a structure. It also includes, but is not limited to, brush, tree limbs, stumps, and building materials and the waste products of building activity, such as: clay, brick, masonry, concrete, plaster, glass, wood and wood products, asphalt, rubber, metal, and plumbing, electrical and heating fixtures, appurtenances thereto and parts thereof.

110.4.7 No demolition debris shall be either disposed of or stored on any of the islands.

Section 112.3.1 Fee schedule is hereby amended by adding the following fee schedule at the end:

FEE SCHEDULE

I. Construction work:

A. Cost of work fees:

Up to \$1,000.00	\$25.00
\$1,000.00 or more	\$25.00 +
	\$5.00 per
	\$1,000.00
	above
	\$1,000.00

B. Related fees:

Below \$25.00 permit fee	\$50.00 additional
Above \$25.00 permit fee	\$100.00 additional

C. Amendments to application:

Up to \$1,000.00	\$25.00
\$1,000.00 or more	\$25.00 +
	\$5.00 per
	\$1,000.00
	above
	\$1,000.00

II. Fees for specific items (additional to cost of work fees above):

A. Air conditioning and ventilation systems	\$25.00 +
	\$5.00 per
	\$1,000.00
	cost

B. Change of use permit.....\$25.00 +
\$5.00 per
\$1,000.00
cost

C. Demolitions:
Structures.....\$25.00 +
\$5.00 per
\$1,000.00
cost

D. Heating systems-All types.....\$15.00

E. Oil and gas burner replacement.....\$15.00

Notwithstanding the fee schedule set forth above, there shall be no permit fee or inspection required for the installation of domestic heating appliances by master oil burner technicians licensed pursuant to 32 M.R.S.A. §§2311-2317.

F. Stop work order removal.....\$25.00

III. Fees in lieu of cost of work:

A. Signs.....\$25.00 +
\$0.20/sq. ft.

B. Tanks: propane gas, gasoline, and fuel oil:

Under 300 gallons.....\$25.00
300 gallons or more.....\$35.00
Removal.....\$10.00

C. Tent use.....\$35.00

D. Parking lots.....\$100.00

E. Related fee.....\$50.00 addi-
tional

F. Minor site plan review.....\$300.00
Except for single and two-family dwellings and changes in
use.....\$50.00

G. Major site plan review.....\$300.00
Except for changes of use.....\$50.00

H. Subdivision fee, each lot or unit.....\$25.00

Hoods: commercial cooking.....Cost of work

Commercial cooking appliances.....Cost of work

Fire alarm and sprinkler systems.....Cost of work
 Moving building.....Cost of work
 Metalbestos chimney.....Cost of work

Except as otherwise provided herein, permit fees shall be based upon estimated or actual cost of work, whichever is greater, for which the permit is required, including towers, permanent swimming pools and any other structure altered, constructed or demolished. Ten (10) percent of any fee, or five dollars and fifty cent (\$5.50), whichever is greater, shall be nonrefundable to cover the administrative costs.

Section 116.4, Violation penalties, is repealed and replaced with the following:

117.4 Violation penalties: Any person, firm or corporation who violates any of the provisions of this code or fails to comply with the standards for performance set forth herein, or who violates or fails to comply with any lawful order made pursuant hereto, or who builds inconsistently with any statement of specifications or plans submitted and approved hereunder or in violation of any certificate or permit in force hereunder, shall be punished jointly and severally for each and every violation by a penalty as provided in Portland City Code section 1-15. The imposition of one (1) penalty for any violation shall not excuse the violation nor permit it to continue, and all such persons, firms, or corporations shall correct or remedy such violations within a reasonable time, when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

Section 118.0, Certificate of occupancy, is hereby amended by addition of the following subsection:

Section 118.5 Issuance of certificate: No certificate of occupancy or temporary certificate of occupancy shall be issued under the provisions of this code where any condition of the building or the property is not in compliance with any other section of the City Code.

Section 121.3, Means of Appeal, is hereby repealed and replaced as follows:

Section 121.0 Appeals:

121.1 Waivers: The building official may recommend a waiver of any of the provisions of this code upon application in writing by the owner or lessee or his or her duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of this code which create an undue hardship, provided that

such waiver is not inconsistent with the purpose of this code. The recommendation and the reasons therefor shall be entered upon the records of the department.

121.2 Rulings: The building official may issue interpretative rulings on the meaning or applicability of this code and any such ruling may be appealed as in the case of the denial of a permit.

121.3 Application to use new methods, materials or equipment: To afford opportunity for development and use of materials, units, systems, equipment and methods not covered in the text of this code, a written application for permission to use such material, methods or equipment may be submitted to the building official. Such application should be accompanied by evidence of properly authenticated tests, investigations or practical use that shows the quality and adaptability of the material, method or equipment.

121.4 Granting of permission: When evidence is established that such a material, method or equipment is equivalent to that for which it would be substituted, the building official may allow its use, with or without such conditionals as deemed necessary to protect the public interest.

121.5 Appeals: Whenever the building official shall disapprove an application or refuse to grant a permit applied for under this code or when it is claimed that the provisions of this code do not apply, or that the true intent and meaning of this code have been misconstrued or wrongly interpreted, any person aggrieved thereby may appeal from the decision of the building official to the board of appeals within ten (10) days from the action of the building official. The board of appeals may, by a majority vote, reverse an incorrect decision of the building official and may permit exceptions to or variances from the specific provisions of this code where it is established that strict application of the provisions of this code would result in undue hardship, and that the purpose of this code in promoting public health, safety and welfare is not adversely affected thereby.

Section 310.5.1, Child care facilities is hereby repealed and replaced as follows:

310.5.1 Child care facilities: A child care facility which accommodates six (6) or fewer children of any age shall be classified as Use Group R-3.

3. That section 6-86 of the Portland City Code is hereby amended to read as follows:

Sec. 6-86. Adoption of BOCA National Mechanical Code.

There is hereby adopted for the purpose of regulating the

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construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of building service equipment the following certain code recommended by the Building Officials and Code Administrators International, Inc., the BOCA National Mechanical Code, 19903 edition, and the whole thereof, except for such portions as are deleted, modified or amended in this article.

4. That section 6-38 of the Portland City Code is hereby repealed and replaced in its entirety by the following:

Sec. 6-38: Amendments.

The BOCA National Mechanical Code is hereby amended as follows:

Section M-117.0 is hereby amended as follows:

M-117.2 Periodic inspections: The fees for all periodic inspections shall be in accordance with the provisions of the BOCA National Building Code, as amended.

M-117.3 Fee schedule: The fees for all mechanical work shall be paid in accordance with the provisions of the BOCA National Building Code, as amended.

Section M-116.0 Violations, is hereby deleted in its entirety and replaced with the following:

M-116.0 Violations: Violations shall be punished in accordance with the provisions of sections 6-15 and 6-18 of the Portland City Code. Each day that a violation continues after notice has been sent shall constitute a separate offense.

Section M-121.0 Means of Appeal, is hereby deleted in its entirety and replaced with the following:

M-121.0 Appeals: The appeals provisions of section 6-18 shall govern appeals under the BOCA National Mechanical Code.

Certificate of Flame Resistance



REGISTERED
APPLICATION
CONCERN No.
F-368

ISSUED BY

UNITED TEXTILE & SUPPLY - EAST
311 ROOSEVELT AVENUE
PAWTUCKET, RI 02860

Date work performed

This is to certify that the materials described on the reverse side hereof have been flame-retardant treated (or are inherently nonflammable).

FOR LEAVITT & PARRIS

AT P.O. BOX 3926

CITY PORTLAND

STATE MAINE 04104

Certification is hereby made that: (Check "a" or "b")



(a) The articles described on the reverse side of this Certificate have been treated with a flame-retardant chemical approved and registered by the State Fire Marshal and that the application of said chemical was done in conformance with the laws of the State of California and the Rules and Regulations of the State Fire Marshal.

Name of chemical used

Chem. Reg. No.

Method of application



(b) The articles described on the reverse side hereof are made from a flame-resistant fabric registered and approved by the State Fire Marshal for such use.

Trade name of flame-resistant fabric used

"FIRE-SIST SUNBRELLA"

Reg. No. F-368

COLOR #

NOT

Be Removed By Washing

(will or will not)

The Flame Retardant Process Used

Name of Applicator

By

Robert H. Starker
Title

We hereby certify this to be a true copy of the original "CERTIFICATE OF FLAME RESISTANCE" issued to us, "original copy" of which has been filed with the California State Fire Marshal.

Signed

By

Gary, 9/14/74
1200 Congress St
"After Hours" Boutique
their awning is 7'8"
from the sidewalk.
We're going to let it go
if you don't care. They
are limited as to how it can be
done.

L&P

LEAVITT & PARRIS, INC.

(207) 883-4184 797-0100

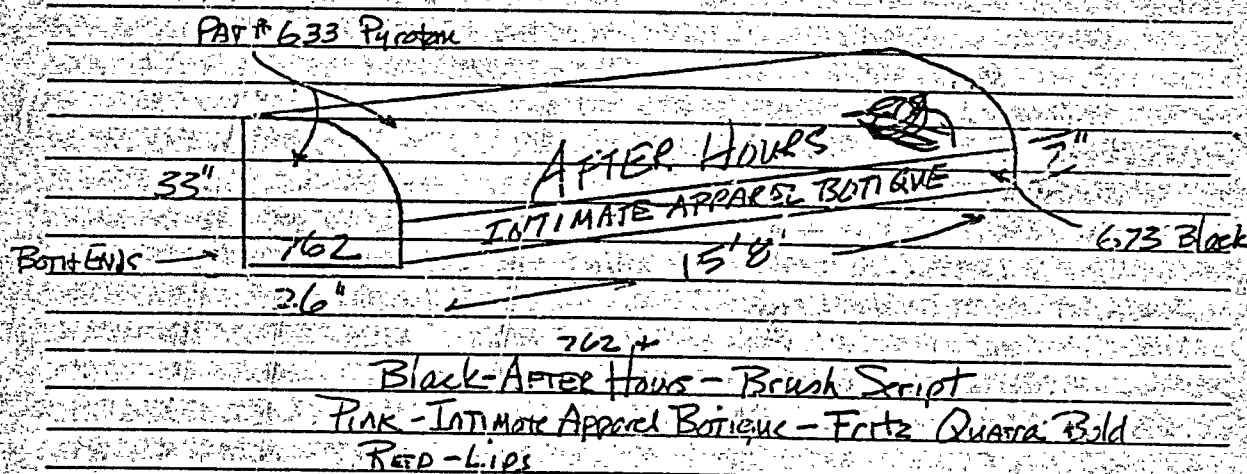
1-800-833-6679 IN MAINE

W.O. 14 J01:50 A

Fax 797-4194

CUSTOMER'S ORDER NO.		PHONE 797-0100	JOB PHONE	DATE OF ORDER 11-1-94
BILL TO AFTER HOURS		CONTACT PERSON Bill Maeda / David Sykes		ORDER TAKEN BY NEIL
ADDRESS 762 Congress St.		NOTE PERSON		
CITY Portland, Me. 04101	STATE		ZIP	
JOB NAME AND LOCATION		PATTERN NO. Firesist Umbrella		

SET UP DAY AND DATE 11-15-94	TAKE DOWN DAY AND DATE
DESCRIPTION OF WORK 1-Stationary Awning - complete	CUSTOMER PICK-UP YES / NO



JACK ROD ☒	ROPETRACK ☒	EGG CRATE ☐	LIGHTS 4' OR 8'
STEP LADDER ☐	EXT. LADDER ☐	POST PINS ☐	SURFACE ☒ GRAPHICS ☐
CUSTOMER PRINT NAME	DATE		
CUSTOMER SIGNATURE	DATE		
SPECIAL INSTRUCTIONS AND MISC. MOUNT ON LOWER SET OF WINDOWS 7.6" FROM WALK			

City of Portland, Maine - Building or Use Permit Application 389 Congress Street, 04101, Tel: (207) 874-8703, FAX: 874-8716

Location of Construction: 762 Congress St Owner: T R Flannery Phone: Permit No. 960187

Owner Address: Lease/Buyer's Name: T R Flannery Phone: Business Name:

Contractor Name: T R Flannery Address: Phone:

Permit Use: T R Flannery Proposed Use: Same w/Int. Reno COST OF WORK: \$ 1,000.00 PERMIT FEE: \$ 25.00

Max Use: FIRE DEPT. ☒ Approved ☐ Denied Use Group: Type: 54

Proposed Project Description: Make Interior Renovations Signature: Date: PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.)

Make Interior Renovations

Permit Taken By: Hary Grassik Date Applied For: 01 March 1996 Signature: Date:

1. This permit application doesn't preclude the Applicant(s) from meeting applicable State and Federal rules.
2. Building permits do not include plumbing, septic or electrical work.
3. Building permits are void if work is not started within six (6) months of the date of issuance. False information may invalidate a building permit and stop all work.

CERTIFICATION

I hereby certify that I am the owner of record of the named property, or that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent and I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in the application is issued, I certify that the code official's authorized representative shall have the authority to enter all areas covered by such permit plan and comply with the provisions of the code(s) applicable to such permit.

SIGNATURE OF APPLICANT: T R Flannery ADDRESS: DATE: 01 March 1996 PHONE:

RESPONSIBLE PERSON IN CHARGE OF WORK: TITLE: PHONE:

White-Permit Desk Green-Assessor's Canary-D.P.W. Pink-Public File Ivory Card-Inspector

PERMIT ISSUED

MAR - 8 1996

CITY OF PORTLAND

Zone: CBL 054-F-012

Zoning Approval:

- Special Zone or Reviews:
- ☐ Shoreland
 - ☐ Wetland
 - ☐ Flood Zone
 - ☐ Subdivision
 - ☐ Site Plan ☐ minor ☐ major

Zoning Appeal

- ☐ Variance
- ☐ Miscellaneous
- ☐ Conditional Use
- ☐ Interpretation
- ☐ Approved
- ☐ Denied

- Historic Preservation
- ☐ Not in District or Landmark
 - ☐ Does Not Require Review
 - ☐ Requires Review

Action:

- ☐ Approved
- ☐ Approved with Conditions
- ☐ Denied

Date:

SIGNATURE OF APPLICANT: T R Flannery

CEO DISTRICT: 3

M/S SIMPSON