

354509

Portland, Maine



Yes. Life's good here.

February 29, 2016

DUFFY DAVID J &

64 JESSICA LN

SOUTH PORTLAND, ME 04106

CBL: 003 A015001

Located at 79 MORNING ST

NOTICE OF INTENT TO PROSECUTE

Dear Owner/Manager/Occupant,

An inspection of the property located at the address referenced above revealed that the structure and premises fail to comply with NFPA 2009 Fire Code and/or NFPA Life Safety Codes. Attached is a list of those violations.

The above-referenced property is in violation of the Chapter 10, Fire Prevention and Protection, Article 1 of the Portland City Code (the "Code") and National Fire Protection Association (NFPA) 101 Life Safety Code. Please note that the Code is available online at www.portlandmaine.gov.

This is a notice of intent to prosecute. As such, the matter is being referred to the City of Portland Corporation Council for legal action and possible civil penalties as provided for in Chapter 10, Fire Prevention and Protection, 10-25 of the Code and in Title 30- A.M.R.S.A. 4452.

Please be advised that you will need to contact the Fire Prevention Bureau at 207-874-8400 before the court date on the attached Reference to Court letter to either schedule a re-inspection or to submit a plan of action to correct these violations.

Sincerely,

A handwritten signature in cursive script that reads "A/C Keith Sartorius".

Portland Fire Department

Fire Prevention Bureau

**CITY OF PORTLAND
PORTLAND FIRE DEPARTMENT**

380 Congress Street
Portland, Maine 04101

Inspection Violations

Owner/Manager DUFFY DAVID J &		Inspector Christopher Goodall	Inspection Date 2/26/2016
Location 79 MORNING ST	CBL 003 A015001	Status Failed	Inspection Type Fire Company-FP Routine Inspec

Code	Int/Ext	Floor	Unit No.	Area	Compliance Date
1) 73.20					
Violation:	NFPA 101- 31.3.7 FLOOR/ CEILINGS ASSEMBLY NOT SMOKE-TIGHT; IN BUILDINGS OTHER THAN THOSE MEETING THE REQUIREMENTS OF 31.3.7.1, 31.3.7.2, 31.3.7.3, 31.3.7.4, OR 31.3.7.5, IN ADDITION TO THE FOLLOWING CRITERIA TO BE MET.				
Notes:	LARGE AREA OF PLASTER MISSING FROM THE CEILING, FRONT STAIRWELL, SECOND FLOOR LANDING				
2) 80.52					
Violation:	NFPA 101- 7.2.8.6.2 FIRE ESCAPE REQUIRES REPAIR; THE AUTHORITY HAVING JURISDICTION SHALL BE PERMITTED TO APPROVE ANY EXISTING FIRE ESCAPE STAIR THAT HAS BEEN SHOWN BY LOAD TEST OR OTHER SATISFACTORY EVIDENCE TO HAVE ADEQUATE STRENGTH.				
Notes:	BOTTOM TREAD FROM 2ND FLOOR ESCAPE TO FIRST FLOOR DECK NEEDS TO BE SECURED				
3) 55.20					
Violation:	NFPA 101- 31.3.3.2 INTERIOR FINISH; INTERIOR WALL AND CEILING FINISH MATERIALS COMPLYING WITH 10.2 SHALL BE PERMITTED AS FOLLOWS: (1) EXIT ENCLOSURES- CLASS A OR B (2) LOBBIES AND CORRIDORS- CLASS A OR B (3) OTHER SPACES- CLASS A, B, OR C.				
Notes:	PANELING THROUGHOUT FRONT HALLWAY AND STAIRS				
4) 91.15					
Violation:	NFPA 70- ARTICLE 110.12 B EXPOSED WIRING CONNECTIONS; Internal parts of electrical equipment, including busbars, wiring terminals, insulators, and other surfaces, shall not be damaged or contaminated by foreign materials such as paint, plaster, cleaners, abrasives, or corrosive residues. There shall be no damaged parts that may adversely affect safe operation or mechanical strength of the equipment such as parts that are broken; bent; cut; or deteriorated by corrosion, chemical reaction, or overheating.				
Notes:	OPEN JUNCTION BOX ABOVE BOILER				
5) 3.011					
Violation:	NFPA 101- 31.3.2.1.1 BOILER PROTECTION REQUIRED; THE AREAS DESCRIBED IN TABLE 31.3.2.1.1 SHALL BE PROTECTED AS INDICATED: BOILER AND FUEL-FIRED HEATER ROOMS SERVING MORE THAN A SINGLE DWELLING UNIT (MINIMUM SEPARATION/PROTECTION IS 1 HOUR OR SPRINKLERS)				
Notes:	UNABLE TO LOCATE A SPRINKLER HEAD ABOVE THE BOILER				

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Location 79 MORNING ST	CBL 003 A015001	Status Failed	Inspection Type Fire Company-FP Routine Inspec

6) 80.37

Violation: NFPA 101- 8.3.4.2 60 MINUTE FIRE DOOR REQUIRED; REFER TO NFPA 101- TABLE 8.3.4.2 THAT STATES FIRE DOOR ASSEMBLIES FOR VERTICAL SHAFTS (INCLUDING STAIRWAYS, EXITS, AND REFUSE CHUTES) ARE RATED AND REQUIRED FOR 1 HOUR.

Notes: SECOND FLOOR LANDING, FRONT STAIRS. COMMON ENTRY DOOR TO UNIT FIRE RATED, SECONDARY DOOR IS NOT

Comments:

STATE OF MAINE

DISTRICT COURT
Location: Portland
Docket No.

CITY OF PORTLAND and body politic and
Corporate, located in the County of
Cumberland and State of Maine,

Plaintiff,

**FIRE PREVENTION AND PROTECTION
CODE VIOLATION**

(M.R. CIV. P. 80H AND 80k)

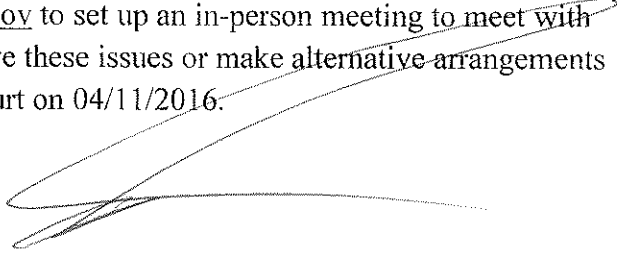
v.

David Duffy
Defendant

SUMMONS NUMBER: 354509

This matter has been referred to the Corporation Counsel's Office for immediate legal action with respect to the code violations detailed in the attached letter. It has been assigned the above summons number and will be filed with the Portland District Court and will be assigned for an initial appearance at the Portland District Court 205 Newbury Street Portland, Maine 04101 at 8:30 A.M. on 04/11/2016. Please contact Tori Ross in Fire Prevention at (207)-874-8400 or via e-mail at meservev@portlandmaine.gov to set up an in-person meeting to meet with somebody in the Fire Prevention Bureau to resolve these issues or make alternative arrangements to relieve you of the requirement to appear in Court on 04/11/2016.

Dated: 3/4/16



Adam R. Lee, Esq. Bar No. 4143
Associate Corporation Counsel
City of Portland
389 Congress St
Portland, ME 04101
207-874-8480