

354939

Portland, Maine



Yes. Life's good here.

August 10, 2015

AT HOME PROPERTIES LLC

100 HIGH POINT DR # 608

HARTSDALE, NY 10530

CBL: 014 B007001

Located at 127 CONGRESS 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 Gauthier".

Portland Fire Department

Fire Prevention Bureau

**CITY OF PORTLAND
PORTLAND FIRE DEPARTMENT**

380 Congress Street
Portland, Maine 04101

Inspection Violations

Owner/Manager AT HOME PROPERTIES LLC		Inspector David Petruccelli	Inspection Date 8/7/2015
Location 127 CONGRESS ST	CBL 014 B007001	Status Failed	Inspection Type Complaint-FP Routine Inspection

Code	Int/Ext	Floor	Unit No.	Area	Compliance Date
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1) 69.25

Violation: PORTLAND FIRE DEPARTMENT CHAPTER 10 4.6.1, 4.6.2 UNIT/SUITE NUMBERS NOT MARKED;
4.6.1 RESIDENTIAL UNITS SHALL BE DESIGNATED USING NUMERALS.

4.6.2 THE FIRST NUMERAL OF EACH RESIDENTIAL UNIT SHALL BE THE FLOOR DESIGNATION.

Notes:

2) 73.05

Violation: NFPA 101- 7.2.1.15.8 FIRE DOOR ASSEMBLY REQ REPAIR; DOOR OPENINGS NOT IN PROPER
OPERATING CONDITION SHALL BE REPAIRED OR REPLACED WITHOUT DELAY.

Notes: BASEMENT AT BOTTOM OF STAIRS SHALL SELF CLOSE, OR INSTALL FIRE DOOR AT TOP OF
BASEMENT STAIRS

3) 55.05

Violation: NFPA 720- 5.5.6.1 CO ALARMS REQUIRED; The performance, location, and mounting of notification
appliances used to initiate or direct action, evacuation or relocation of the occupants, or for providing
information to occupants or staff, shall comply with the requirements of Chapter 6.

Notes:

4) 55.25

Violation: NFPA 101- 31.3.4.5.1 SMOKE ALARMS REQUIRED; In buildings other than those equipped through
out with an existing, complete automatic smoke detection system, smoke alarms shall be installed in
accordance with 9.6.2.10, as modified by 31.3.4.5.2, outside every sleeping area in the immediate
vicinity of the bedrooms and on all levels of the dwelling unit, including basements.

Notes: CONFIRMATION NEEDED THAT EACH UNIT IS PROPERLY EQUIPPED

5) 91.10

Violation: NFPA 70- ARTICLE 110 B CERTIFY ELECTRICAL SYSTEM; LISTED OR LABELED EQUIPMENT
SHALL BE INSTALLED AND USED IN ACCORDANCE WITH ANY INSTRUCTIONS INCLUDED IN
THE LISTING OR LABELING.

ENTIRE ELECTRICAL SYSTEM NEEDS TO BE LOOKED AT.

Notes: MULTIPLE FEEDS AND DISCONNECTS, 7 METERS, IDENTIFICATION AND CERTIFY WORK HAS
BEEN DONE TO CODE

CITY OF PORTLAND
PORTLAND FIRE DEPARTMENT

380 Congress Street
Portland, Maine 04101

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Location 127 CONGRESS ST	CBL 014 B007001	Status Failed	Inspection Type Complaint-FP Routine Inspection

6) 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: LOCATIONS IN THE BASEMENT

7) 55.511

Violation: NVPA 1, CHAPTER 10 - 10.11.6 HIBACHI OR GRILL ON BALCONY; NO HIBACHI, GAS-FIRED GRILL, CHARCOAL GRILL, OR OTHER SIMILAR DEVICES USED FOR COOKING, HEATING, OR OTHER PURPOSE, SHALL BE USED OR KINDLED ON ANY BALCONY OR UNDER ANY OVERHANG PORTION OR WITHIN 10 FT OF ANY STRUCTURE

Notes: REAR DECKS, UNDER OVERHANG

Comments: These violations were noticed when inspecting based on a CMP complaint. It appears renovations are being done in the building. A complete inspection should be conducted when property owner is available.

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.

At Home Properties LLC
Defendant

SUMMONS NUMBER: 354939

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 09/14/2015. I strongly urge you to contact Victoria Meserve at Fire Prevention at (207)-874-8400 or via e-mail at meservev@portlandmaine.gov to set up an in-person meeting to resolve these issues or make alternative arrangements to relieve you of the requirement to appear in Court on 09/14/2015.

Dated:

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