

354934

Portland, Maine



Yes. Life's good here.

August 7, 2015

Avesta Munjoy Commons Lp

307 Cumberland Ave

Portland, ME 04101

CBL: 014 K008001

Located at 0013 EMERSON 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 Avesta Munjoy Commons Lp		Inspector Sean Donaghue	Inspection Date 8/5/2015
Location 0013 EMERSON ST	CBL 014 K008001	Status Failed	Inspection Type Fire Company-FP Routine Inspec

Code	Int/Ext	Floor	Unit No.	Area	Compliance Date
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1) 80.16

Violation: NFPA 101-7.9.3 EMERGENCY LIGHTS REQUIRE MAINTENANCE; 7.9.3 Periodic Testing of Emergency Equipment

7.9.3.1 Required emergency lighting systems shall be tested in accordance with one of the three options offered by 7.9.3.1.1, 7.9.3.1.2, or 7.9.3.1.3.

7.9.3.1.1 Testing of required emergency lighting systems shall be permitted to be conducted as follows:

(1) Functional testing shall be conducted monthly with a minimum of 3 weeks and a maximum of 5 weeks between tests, for not less than 30 seconds, except as otherwise permitted by 7.9.3.1.1(2).

(2) The test interval shall be permitted to be extended beyond 30 days with the approval of the authority having jurisdiction.

(3) Functional testing shall be conducted annually for a minimum 1-1/2 hours if the emergency lighting system is battery powered.

(4) The emergency lighting equipment shall be fully operational for the duration of the test required by 7.9.3.1.1(1) and (3).

(5) Written records of visual inspections and tests shall be kept by the owner for inspection by the authority having jurisdiction.

Notes: 3RD FLOOR HALLWAY (2), 3RD FLOOR ROOF ACCESS CORRIDOR/SECONDARY EGRESS FOR FOURTH FLOOR SECTIONS (1)

2) 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: BASEMENT WATER METER ROOM LIGHT SWITCH NEEDS COVER PLATE

Comments: Inspections from Naviline Fire Inspections. 2 were listed.

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)

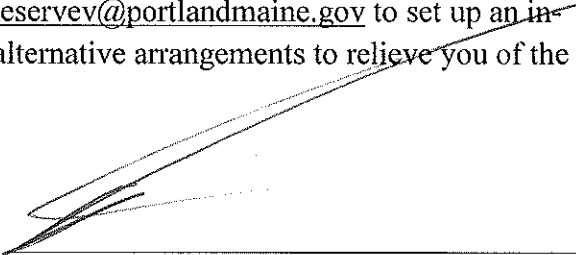
v.

Avesta Munjoy Commons LP
Defendant

SUMMONS NUMBER: 354934

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: 8/13/15



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

354934

Law Enforcement Case No. Maine District Court
Docket No.

UNIFORM SUMMONS AND COMPLAINT

☐ CRIMINAL: ☐ ARREST ☐ BAIL \$ NO.
☒ CIVIL VIOLATION ☐ FISHERIES AND WILDLIFE ☐ MARINE RESOURCES
☐ TRAFFIC VIOLATION ☐ FOREST SERVICE

State of Maine / Municipality of Portland v.

Avesta Munjoy Commons Lp
Last First Middle (Defendant)

Mailing Address: 307 Cumberland Ave

City/Town Portland State ME Zip 04101

OPERATOR	LICENSE NUMBER					STATE	DATE OF BIRTH
	HAIR	EYES	HEIGHT	WEIGHT	SEX	RACE	AGE
VEHICLE		REGISTRATION NUMBER				STATE	
<input type="checkbox"/> C.M.V. > 26,000 lbs.		COLOR		YEAR	MAKE	BODY	
<input type="checkbox"/> HAZ. MAT.							
<input type="checkbox"/> BUS > 15 PASSENGERS							
The defendant did commit the following offense on or about				MONTH	DAY	YEAR	AT TIME
							AT
RT / ST / PL		CITY/TOWN				DIV	CODE
<u>13 Emerson</u>							

☐ Speeding: Alleged mph; Legal mph. ☐ Radar
VIOLATION (Title Section/Ordinance) Viol. Code

NFPA 101-7.9.3

NFPA 70-110.12

Officer's name, printed Couture Keith N
Last First MI

Date of service: 8/12/15 K. Couture
Officer's signature

Dept. Fire Troop OFF. NO.

YOU ARE HEREBY DIRECTED TO APPEAR BEFORE THE MAINE DISTRICT COURT AT:

205 Newbury St. 04101

STREET ADDRESS CITY/TOWN STATE ZIP

DATE 9/14/15 TIME A.M./P.M. (207) COURT TELEPHONE NO.

☒ I promise to appear in Maine District Court at the place, date, and time described above.

Signature Date

STREET ADDRESS CITY/TOWN STATE ZIP
(MAILING ADDRESS IF DIFFERENT FROM ABOVE)

Your signature does not constitute an admission or plea of guilty to the above violation(s). However, refusal to sign after having been ordered to do so by a law enforcement officer is a separate Class E crime for which you may be arrested.

The undersigned states that he/she has probable cause to believe and does believe that the person named above committed the violation set forth herein.

Signature Dept.

Sworn to before me on (Dep.) Clerk

FOR WAIVER DISPOSITION ONLY

Date Guilty/Offense committed Fine Amt.

\$ ☐ Paid

Signature (Dep.) Clerk

COURT / PROSECUTOR