

Portland, Maine



Yes. Life's good here.

Jerome F. LaMoria
Fire Chief, Fire Department

Portland Fire Department
Fire Prevention Bureau
380 Congress St
Portland, ME 04101

July 14, 2015

Jason G. Dowdy
Marla D K Naujoks JTS
164 Congress St
Portland, ME 04101

NOTICE OF INTENT TO PROSECUTE

Dear Owner/Manager/Occupant,

An inspection of the property located at 164 Congress St on 06/13/2015 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,

Portland Fire Department
Fire Prevention Bureau

353729

CITY OF PORTLAND
PORTLAND FIRE DEPARTMENT

380 Congress Street
Portland, Maine 04101

Inspection Violations

Owner/Manager DOWDY JASON G &		Inspector Dean Berry	Inspection Date 6/13/2015
Location 164 CONGRESS ST	CBL 017 B004001	Status Failed	Inspection Type Fire Company-FP Routine Inspec

Code	Int/Ext	Floor	Unit No.	Area	Compliance Date
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1) 1.120

Violation: NFPA 101- 7.5.1.1 AND 7.5.1.1.1 OBSTRUCTED EGRESS; Exits shall be located and exit access shall be arranged so that exits are readily accesible at all times (7.5.1.1).

Where exits are not immediately accessible from an open floor area, continuous passageways, aisles, or corridors leading directly to every exit shall be maintained and shall be arranged to provide access for each occupant to not less than two exits by separate ways of travel, unless otherwise provided in 7.5.1.1.3 and 7.5.1.1.4 (7.5.1.1.1).

Notes: REAR STAIRWELL BEING USED FOR STORAGE.

2) 1.130

Violation: NFPA 101- 4.5.3.4 MEANS OF EGRESS SHALL BE ILLUMINATED; LIGHTING: WHERE ARTIFICAL ILLUMINATION IS NEEDED IN A BUILDING OR STRUCTURE, EGRESS FACILITIES SHALL BE INCLUDED IN THE LIGHTING DESIGN.

Notes: REAR STAIRWELL LIGHTING DID NOT WORK

3) 1.135

Violation: N.F.P.A. 101- 6.1.14.1.2&3.2& 8.6.8.2&13.3.1 FIRE ALARMS SHALL BE PROVIDED TO WARN OCCUPANTS; IN EVERY BUILDING OR STRUCTURE OF SUCH SIZE, ARRANGEMENT, OR OCCUPANCY THAT A FIRE ITSELF COULD NOT PROVIDE ADEQUATE OCCUPANT WARNING. FIRE ALARM SYSTEM SHALL BE PROVIDED WHERE NECESSARY TO WARN OCCUPANTS OF THE EXISTENCE OF FIRE.

Notes: MISSING DETECTORS

4) 2.141

Interior

Violation: NFPA 101- 8.2.3 FIRE RATING NOT MAINTAINED; The fire resistance of structural elements and building assemblies shall be determined in accordance with test procedures set forth in NFPA 251, ASTM E 119, ANSI/ UL 263, or other approved test methods, or analytical methods approved by the authority having jurisdiction. Materials used to construct fire resistance-rated elements and assemblies shall be limited to those permitted in this code.

Notes: BASEMENT DOOR

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: BASEMENT HEATING DEVICES

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6) 4.001

Violation: NFPA 101- 8.7.3.1 AND 8.7.3.2 FUEL POWERED DEVICE STORED INSIDE; The storage and handling of flammable liquids or gases shall be in accordance with the following applicable standards: NFPA 30, Flammable and Combustible Liquids Code
NFPA 54, National Fuel Gas Code
NFPA 58, Liquefied Petroleum Gas Code (8.7.3.1).

No storage or handling of flammable liquids or gases shall be permitted in any location where such storage would jeopardize egress from the structure, unless otherwise permitted by 8.7.3.1 (8.7.3.2)

Notes: BASEMENT (BOAT MOTOR)

7) 6.003

Violation: NFPA 70- ARTICLE 590.6 EXT. CORD USED FOR PERMENANT WIRING; Ground-fault protection for personnel for all TEMPORARY wiring installations shall be provided to comply with 590.6 (A) and (B). This section shall apply only to temporary wiring installations used to supply temporary power to equipment used by personnel during construction, remodeling, maintenance, repair, or demolition of buildings, structures, equipment or similar activities.

Notes: BASEMENT CORD AND PLUG INTO AN OVERHEAD LIGHT FIXTURE USED AS PERMENANT WIRING

8) 6.003

Violation: NFPA 70- ARTICLE 590.6 EXT. CORD USED FOR PERMENANT WIRING; Ground-fault protection for personnel for all TEMPORARY wiring installations shall be provided to comply with 590.6 (A) and (B). This section shall apply only to temporary wiring installations used to supply temporary power to equipment used by personnel during construction, remodeling, maintenance, repair, or demolition of buildings, structures, equipment or similar activities.

Notes: BASEMENT PLUG STRIP WITH FLUORESCENT LIGHING PLUGGED INTO IT.

9) 6.015

Violation: NFPA 101- 9.1.2 IMPROPER WIRING, NOT TO CODE; ELECTRICAL WIRING AND EQUIPMENT SHALL BE IN ACCORDANCE WITH NFPA 70, UNLESS SUCH INSTALLATIONS ARE APPROVED EXISTING INSTALLATIONS, WHICH SHALL BE PERMITTED TO BE CONTINUED IN SERVICE.

Notes: Basement. New wiring added (12-2 Romex wire manufacture date 11-10-14) not to code and clearly not installed by Master electrician. Only Masrter Electricians may make electrical installations in multi family properties. Please provide City Electrical permit and Master Electricians name and Lic. #

10) 6.010

Violation: NFPA 101- 9.1.2 ELECTRICAL WIRES BREECH WALL; ELECTRICAL WIRING AND EQUIPMENT SHALL BE IN ACCORDANCE WITH NFPA 70, UNLESS SUCH INSTALLATIONS ARE APPROVED EXISTING INSTALLATIONS, WHICH SHALL BE PERMITTED TO BE CONTINUED IN SERVICE.

Notes: SECOND FLOOR REAR LANDING

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11) 6.012

Violation: NFPA 70- ARTICLE 400.9 ELECTRICAL WIRES SUBJECT TO DAMAGE; Flexible cord shall be used only in continuous lengths without splice or tap where initially installed in applications permitted by 400.7 (A). The repair of hard-service cord and junior hard-service cord 14 AWG and larger shall be permitted if conductors are spliced in accordance with 101.14 (B) and the completed splices retains the insulation, outer sheath properties, and usage characteristics of the cord being spliced.

Notes: SECOND FLOOR REAR LANDING. 3-WIRE ROMEX STAPLED TO FLOOR.
NOT IN STALLED BY MASTER ELECTRICIAN. PROVIDE CITY ELECTRICAL PERMIT, MASTER ELECTRICIAN NAME AND LIC. #

12) 6.014

Violation: NFPA 70- ARTICLE 410.42 EXPOSED LIVE ELECTRICAL WIRES; Exposed metal parts shall be connected to an equipment grounding conductor or insulated from the equipment grounding conductor and other conducting surfaces or be inaccessible to unqualified personnel. Lamp tie wires, mounting screws, clips, and decorative bands on glass spaced at least 38 mm from lamp terminals shall not be required to be grounded.

Notes: REAR STAIRWELL CEILING. (OLD LIGHT FIXTURES?)

13) 6.016

Interior

Violation: NFPA 101- 9.1.2 CERTIFY ELECTRICAL SYSTEM; ELECTRICAL WIRING AND EQUIPMENT SHALL BE IN ACCORDANCE WITH NFPA 70, UNLESS SUCH INSTALLATIONS ARE APPROVED EXISTING INSTALLATIONS, WHICH SHALL BE PERMITTED TO BE CONTINUED IN SERVICE.

Notes: EXTENSIVE NEW WIRING HAS BEEN INSTALLED BY A NON QUALIFIED INSTALLER. PLEASE OBTAIN AND ELECTRIC PERMIT FOR THE RECIENTLY INSTALLED WIRING AND HAVE IT CERTIFIED BY A MASTER ELECTRICIAN.

14) 8.001

Violation: NFPA 101- 9.6.10.1.1 SMOKE DETECTOR REQUIRED; Where required by another section of this code, single-station and multiple-station smoke alarms shall be in accordance with NFPA 72, National Fire Alarm Code, shall be provided in all occupiable areas in environments that are suitable for proper smoke detector operation.

Notes: MISSING DETECTOR IN BASEMENT

15) 9.004

Violation: NFPA 101- 7.2.1.8.1 FIRE DOOR(S) BLOCKED OPEN; A door leaf normally required to be kept closed shall not be secured in the open position at any time and shall be self-closing or automatic-closing in accordance with 7.2.1.8.2, unless otherwise permitted by 7.2.1.8.3

Notes: BASEMENT

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Location 164 CONGRESS ST	CBL 017 B004001	Status Failed	Inspection Type Fire Company-FP Routine Inspec

16) 55.092

Violation: NPFA 101- 590.6 DISCONTINUE USE OF EXTENSION CORDS; Ground-fault protection for personnel for all temporary wiring installations shall be provided to comply with 590.6(A) and (B). This section shall apply only to temporary wiring installations used to supply temporary power to equipment used by personnel during construction, remodeling, maintenance, repair, or demolition of buildings, structures, equipment, or similar activities.

Notes: BASEMENT

17) 55.147

Violation: STORAGE FOR FLAM./ COMB. LIQUIDS

Notes: BASEMENT

18) 55.530

Violation: LABEL UNIT DOORS; LABEL UNIT DOORS

Notes:

19) 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: UNIT NUMBERS ON DOORS

20) 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 STAIRS

21) 73.15

Violation: NFPA 31.3.1.1.1 VERTICAL OPENINGS NOT FIRE RATED; VERTICAL OPENINGS SHALL BE ENCLOSED OR PROTECTED IN ACCORDANCE WITH SECTION 8.6.

Notes:

22) 80.28

Violation: NFPA 101- 7.5.1.1 EXIT OBSTRUCTED; Where exits are not immediately accessible from an open floor area, continuous passageways, aisles, or corridors leading directly to every exit shall be maintained and shall be arranged to provide access for each occupant to not less than two exits by separate ways of travel, unless otherwise provided in 7.5.1.1.3 and 7.5.1.1.4.

Notes: REAR STAIR

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Inspection Violations

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Location 164 CONGRESS ST	CBL 017 B004001	Status Failed	Inspection Type Fire Company-FP Routine Inspec

23) 80.46

Violation: NFPA 101- 7.2.1.8.1 FIRE DOORS MUST BE SELF- OR AUTO-CLOSING; A door leaf normally required to be kept closed shall not be secured in the open position at any time and shall be self-closing or automatic-closing in accordance with 7.2.1.8.2, unless otherwise permitted by 7.2.1.8.3.

Notes: REAR STAIRWELL AND BASEMENT DOOR

24) 80.68

Violation: NFPA 101-7.10.5.1 NORMAL ILLUMINATION FOR EXITS; Every sign required by 7.10.1.2, 7.10.1.5, or 7.10.8.1, other than where operations or processes require low lighting levels, shall be suitably illuminated by a reliable light source. Externally and internally illuminated signs shall be legible in both the normal and emergency lighting mode.

Notes: STAIR LIGHTING NOT WORKING

25) 71.05

Violation: CO ALARMS REQUIRED

Notes: NONE FOUND

26) 71.25

Violation: SMOKE ALARMS REQUIRED

Notes: MISSING DETECTOR BASEMENT

27) 89.10

Violation: NFPA 101- 7.2.1.8.1 FIRE DOOR BLOCKED OPEN; A door leaf normally required to be kept closed shall not be secured in the open position at any time and shall be self-closing or automatic-closing in accordance with 7.2.1.8.2, unless otherwise permitted by 7.2.1.8.3.

Notes: BASEMENT DOOR

28) 89.15

Violation: NFPA 30- TABLE 9.6.2.1 FLAMMABLE/COMBUSTIBLE LIQUIDS STORAGE EXCEED LIMIT; SEE NFPA 30 TABLE 9.6.2.1 FOR SPECIAL OCCUPANCY LIMITS FOR FLAMMABLE AND COMBUSTIBLE LIQUID STORAGE.

Notes: BASEMENT

29) 91.05

Violation: NFPA 70- 4.10.8 BROKEN LIGHT FIXTURE; Luminaries shall be installed such that the connections between the luminaire conductors and circuit conductors can be inspected without requiring the disconnection of any part of the wiring unless the luminaries are connected by attachment plugs and receptacles.

Notes: BASEMENT

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Inspection Violations

Owner/Manager DOWDY JASON G &		Inspector Dean Berry	Inspection Date 6/13/2015
Location 164 CONGRESS ST	CBL 017 B004001	Status Failed	Inspection Type Fire Company-FP Routine Inspec

30) 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: NEW WIRING HASE BEEN ADDED WITHOUT A PERMIT AND INSTALLED BY A NON QUALIFIED INSTALLER. A MASTER ELECTICIAN IS NEEDED TO DO ELECTRIC INSTALLATION IN A MULTI FAMILY OCCUPANCY

31) 91.20

Violation: NFPA 70- 590.6 EXTENSION CORDS; Ground-fault protection for personnel for all temporary wiring installations shall be provided to comply with 590.6(A) and (B). This section shall apply only to temporary wiring installations used to supply temporary power to equipment used by personnel during construction, remodeling, maintenance, repair, or demolition of buildings, structures, equipment, or similar activities.

Notes: BASEMENT

32) 6.005

Violation: NFPA 70- 4.10.8 DEFECTIVE LIGHT FIXTURE; Luminaries shall be installed such that the connections between the luminaire conductors and the circuit conductors can be inspected without requiring the disconnection of any part of the wiring unless the luminaries are connected by attachment plugs and receptacles.

Notes: BASEMENT

33) 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: BASEMENT

34) 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: DOORS NOT MARKED

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PORTLAND FIRE DEPARTMENT**

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35) 80.28

Violation: NFPA 101- 7.5.1.1 EXIT OBSTRUCTED; Where exits are not immediately accessible from an open floor area, continuous passageways, aisles, or corridors leading directly to every exit shall be maintained and shall be arranged to provide access for each occupant to not less than two exits by separate ways of travel, unless otherwise provided in 7.5.1.1.3 and 7.5.1.1.4.

Notes: REAR STAIRS

36) 80.46

Violation: NFPA 101- 7.2.1.8.1 FIRE DOORS MUST BE SELF- OR AUTO-CLOSING; A door leaf normally required to be kept closed shall not be secured in the open position at any time and shall be self-closing or automatic-closing in accordance with 7.2.1.8.2, unless otherwise permitted by 7.2.1.8.3.

Notes: REAR STAIRS AND BASEMENT

37) 71.05

Violation: CO ALARMS REQUIRED

Notes: NON FOUND

38) 71.25

Violation: SMOKE ALARMS REQUIRED

Notes: MISSING DETECTORS

39) 89.10

Violation: NFPA 101- 7.2.1.8.1 FIRE DOOR BLOCKED OPEN; A door leaf normally required to be kept closed shall not be secured in the open position at any time and shall be self-closing or automatic-closing in accordance with 7.2.1.8.2, unless otherwise permitted by 7.2.1.8.3.

Notes: BASEMENT

40) 89.15

Violation: NFPA 30- TABLE 9.6.2.1 FLAMMABLE/COMBUSTIBLE LIQUIDS STORAGE EXCEED LIMIT; SEE NFPA 30 TABLE 9.6.2.1 FOR SPECIAL OCCUPANCY LIMITS FOR FLAMMABLE AND COMBUSTIBLE LIQUID STORAGE.

Notes: BASEMENT

41) 91.05

Violation: NFPA 70- 4.10.8 BROKEN LIGHT FIXTURE; Luminaries shall be installed such that the connections between the luminaire conductors and circuit conductors can be inspected without requiring the disconnection of any part of the wiring unless the luminaries are connected by attachment plugs and receptacles.

Notes: BASEMENT

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42) 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: RECIENT IMPROPERLY INSTALLED ELECTRIC WIRING. PLEASE PROVIDE CITY ELECTRIC PERMIT WITH MASTER ELECTRICIANS NAME AND LIC. #. ONLY MASTER ELECTRICIANS MAY DO ELECTRIC INSTALLATIONS IN A MULTI FAMILY OCCUPANCY.

43) 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: REAR STAIR CEILING (OLD LIGHT FIXTURES?)

44) 91.20

Violation: NFPA 70- 590.6 EXTENSION CORDS; Ground-fault protection for personnel for all temporary wiring installations shall be provided to comply with 590.6(A) and (B). This section shall apply only to temporary wiring installations used to supply temporary power to equipment used by personnel during construction, remodeling, maintenance, repair, or demolition of buildings, structures, equipment, or similar activities.

Notes: BASEMENT

45) 6.005

Violation: NFPA 70- 4.10.8 DEFECTIVE LIGHT FIXTURE; Luminaries shall be installed such that the connections between the luminaire conductors and the circuit conductors can be inspected without requiring the disconnection of any part of the wiring unless the luminaries are connected by attachment plugs and receptacles.

Notes: BASEMENT

46) 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: BASEMENT

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.

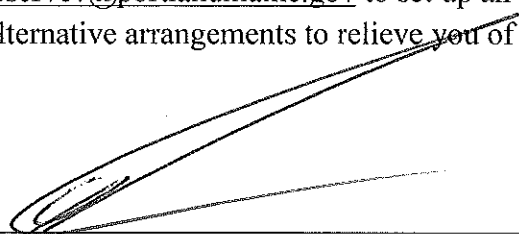
Jason G. Dowdy & Marla D. K. Naujoks JTS
Defendant

SUMMONS NUMBER: 353729

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:

7/15/15



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