

354926

Portland, Maine



Yes. Life's good here.

August 5, 2015

WEARE PETER &

69 BEACH BLUFF TER

CAPE ELIZABETH, ME 04107

CBL: 017 F018001

Located at 29 SHERIDAN 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 Gantner".

Portland Fire Department

Fire Prevention Bureau

**CITY OF PORTLAND
PORTLAND FIRE DEPARTMENT**

380 Congress Street
Portland, Maine 04101

Inspection Violations

Owner/Manager WEARE PETER &		Inspector Sean Donaghue	Inspection Date 8/4/2015
Location 29 SHERIDAN ST	CBL 017 F018001	Status Failed	Inspection Type Fire Company-FP Routine Inspec

7) 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, STORAGE CONTAINERS

8) 91.25

Violation: NFPA 70 MISSING BOX COVERS; REFER TO NFPA 70, NATIONAL ELECTRICAL CODE, ON STANDARDS FOR MISSING BOX COVERS.

Notes: BASEMENT NEAR BOILER

9) 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 WATER HEATER AND BOILER

Comments: unable to gain access to rear stairs and individual dwelling units, follow up inspection required

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PORTLAND FIRE DEPARTMENT**

380 Congress Street
Portland, Maine 04101

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Code	Int/Ext	Floor	Unit No.	Area	Compliance Date
1) 7.008	Interior				
Violation:	NFPA 101- 7.1.10.2.1 DEBRIS INSIDE BUILDING; NO FURNISHINGS, DECORATIONS, OR OTHER OBJECTS SHALL OBSTRUCT EXITS OR THEIR ACCESS THERETO, EGRESS THEREFROM, OR VISIBILITY THEROF.				
Notes:	3RD FLOOR HALLWAY HAS COMBUSTIBLE MATERIALS				
2) 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.				
Notes:	4.6.2 THE FIRST NUMERAL OF EACH RESIDENTIAL UNIT SHALL BE THE FLOOR DESIGNATION. INTERIOR UNITS NOT NUMBERED				
3) 80.56					
Violation:	NFPA 101- 7.2.8.5.1 HANDRAILS REQUIRED ON STAIRS; ALL FIRE ESCAPE STAIRS SHALL HAVE WALLS OR GUARDS AND HANDRAILS ON BOTH SIDES IN ACCORDANCE WITH 7.2.8.4.1 (B).				
Notes:	RAIL BETWEEN 1ST AND 2ND FLOOR REQUIRES REPAIR, 2ND FLOOR BALLISTER MISSING				
4) 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:	NONE IN BASEMENT				
5) 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:	ALL EXISTING ALARMS MUST BE OPERATIONAL (BASEMENT, 2ND FLOOR HALL)				
6) 89.05					
Violation:	NFPA 1- EXCESSIVE/DISORDERLY STORAGE; REFERENCE NFPA 1 FOR EXCESSIVE FUEL-LOAD.				
Notes:	3RD FLOOR LANDING				

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)

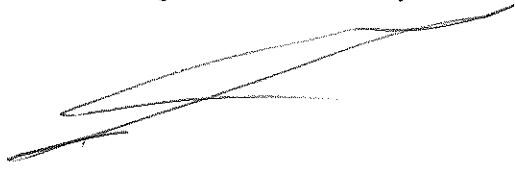
v.

Peter Weare & Linda Weare
Defendant

SUMMONS NUMBER: 354926

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