

Yes. Life's good here.

Jerome F. LaMoria Fire Chief, Fire Department

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

May 13, 2015

Ellie LLC 24 Wildwood Dr Cape Elizabeth, ME 04107

NOTICE OF INTENT TO PROSECUTE

Dear Owner/Manager/Occupant,

An inspection of the property located at 289 Cumberland Ave on May 12, 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 summons to either schedule a re-inspection or to submit a plan of action to correct these violations.

Sincerely,

Portland Fire Department Fire Prevention Bureau

CRPCrry #29

#353789

CITY OF PORTLAND DEPARTMENT OF PLANNING & URBAN DEVELOPMENT

389 Congress Street Portland, Maine 04101

Inspection Violations

289 CUMBERLAND AVE	026 C	018001 Floor	Failed Unit No. Area	Building-FP Required Inspection Compliance Date
Location	CBL		Status	Inspection Type
ELLIE LLC			Craig Messinger	5/12/2015
Owner/Manager			Inspector	Inspection Date

1) 9.002

Violation:

NFPA 80- ANNEX D.4 1-HOUR FIRE DOORS ASSEMBLIES REQ; Listings are provided for floor fire door assemblies that are installed in fire-rated floor-ceiling or roof-ceiling assemblies that have ben tested in accordance with the methods described in NFPA 288. The listing indicates the fire-rated assembly and the hourly rating (3 hours, 2 hours, 1.5 hours, 1 hour, .75 hours) for which the door can be permitted to be used so that access to the space above the ceiling or to the floor above can be provided without adversely affecting the fire resistance rating of the entire assembly. The listing provides limitations on the maximum size of an individual door opening and the total area of all door openings permitted for each 100 ft. squared of floor or ceiling.

Notes:

Several Apts required Fire Doors/Several required self-closing hinges. Apt #4 requires one door to be removed or upgraded to Fire Door. Apt.#7 requires FD and transome to be removed from above.

2) 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 inaccordance 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:

Phototelectric Hardwired, Battery back-up Smoke detectors are required in each bedroom.

Comments:

Violations Exist

DISTRICT COURT Location: Portland Docket No.

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

Plantiff,

FIRE PREVENTION AND PROTECTION CODE VIOLATION

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

V.

Ellie LLC Defendant

SUMMONS NUMBER:

353789

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 June 8, 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 inperson meeting to resolve these issues or make alternative arrangements to relieve you of the requirement to appear in Court on June 8, 2015.

Dated: $\leq / |z| / |z|$

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

207-874-8480