**NOTICE OF VIOLATION**

**AND ORDER TO CORRECT**

August 2, 2016

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| **Violator 1:**Dowtown Lodging LLCP.O. Box 10250Portland, Maine 04104 | **Violator 2:**Class Acts Property ManagementP.O. Box 10250Portland, Maine 04104 |
| **Location:**263 Cumberland Avenue | **CBL:**026 F008001 | **Inspection Date:**7/19/2016 |
| **Inspector:**Sean Donaghue | **Inspection Type:**Fire Company – FP Routine | **Status:**Failed |

The City of Portland Fire Department inspected this property, and found the fire and life safety code violations listed below, which you are hereby ordered to correct. You must complete the proposed plan of action column by proposing a reasonable timeframe to remedy each violation. This form must be received by the Fire Prevention Bureau no later than **August 15, 2016.** The Bureau reserves the right to reject or modify any proposed plan of action, and may require evidence of sufficient financial and technical capacity to complete the proposed plan. Please contact the Bureau with any questions.

**YOUR FAILURE TO SUBMIT A PLAN OF ACTION BY THE DATE PROVIDED,**

**OR TO CORRECT ANY VIOLATION WITHIN THE APPLICABLE TIME FRAME, MAY RESULT IN LEGAL ACTION AGAINST YOU, THE IMPOSITION OF CIVIL PENALTIES, AND THE PURSUIT OF OTHER LEGAL REMEDIES.**

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| **Violation** | **Proposed Plan of Action** |
| 1. NFPA 101-7.9.3 EMERGENCY LIGHTS REQUIRE MAINTENANCE;

7.9.3 Periodic Testing of Emergency Equipment7.9.3.1 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).*Test and repair emergency lighting on first floor store near front and rear entrances.* |  |
| 1. NFPA 1 – 4.5.8.1 MAINTENANCE, INSPECTION, AND TESTING.

Whenever or wherever any device, equipment, system, condition, arrangement, level of protection, fire-resistive construction, or any other feature is required for compliance with the provisions of this Code, such device, equipment, system, condition, arrangement, level of protection, fire-resistive construction, or any other feature shall thereafter be continuously maintained. Maintenance shall be provided in accordance with applicable NFPA requirements or requirements developed as part of a performance-based design, or as directed by the AHJ*Repair grasp rails and broken baluster on fire escape.* |  |
| 1. NPFA 101- 7.2.2.1.1 STAIRS REQUIRE REPAIR;

Stairs shall meet the following criteria: * 1. New stairs shall be in accordance with Table 7.2.2.2.1.1 (a)
	2. Existing stairs shall be permitted to remain in use, provided that they meet the requirements for existing stairs shown in Table 7.2.22.1.1 (b)
	3. Approved existing stairs shall be permitted to be rebuilt in accordance with the following: (a) dimensional criteria of table 7.2.2.2.1.1 (b) and other stair requirements of 7.2.2
	4. The requirements for new and existing stairs shall not apply to stairs located in industrial equipment access areas where otherwise provided in 40.2.5.2.

*Interior main egress stairwell are raised and deformed; exterior rear stairwell from first floor stairs to ground require immediate repair; interior main egress stairwell has a broken baluster requiring repair or replacement* |  |
| 1. NFPA 10- 7.2.4.4 FIRE EXTINGUISHER INSPECTION TAG.

Where manual inspections are conducted, records for manual inspections shall be kept on a tag or label attached to the fire extinguisher, on an inspection checklist maintained on file, or by an electronic method.*Have fire extinguisher in workshop and on first floor inspected.* |  |
| 1. NFPA 1 EXCESSIVE/DISORDERLY STORAGE. Reference NFPA 1 for excessive fuel load.

*Remove storage and debris from main egress stairwell and third floor landing* |  |
| 1. 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 7.21.8.3.*Remove brick holding open laundry room door.* |  |
| 1. 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.*3rd floor fire escape television antenna mounted to handrail has cable wire. Run through window of egress door, appears permanent use of temporary wire run. Please run wire through building appropriately to allow unhindered egress to the fire escape.* |  |
| 1. 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.*Repair fixture in basement – missing bulb and exposed socket.* |  |

*You may appeal this Notice of Violation and Order to Correct to the City of Portland Zoning Board of Appeals within ten business days of this decision, pursuant to the City of Portland Code of Ordinances § 10-23. Your failure to appeal may result in you being barred in the future from challenging the determinations of City of Portland Fire Prevention Bureau contained in this notice.*

**VIOLATOR CERTIFICATION**

 I agree to remedy the violations listed within the timeframes provided. If I require additional time to comply, I understand that I must contact the Fire Prevention Bureau prior to the deadline to request an extension, which is entirely within the Bureau’s discretion to grant or deny. If I fail to comply with this agreement, I understand that I am liable for penalties pursuant to the City of Portland Code of Ordinances §§ 1-15 and 10-25, and 30-A M.R.S. § 4452 and may be subject to further legal action.

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Date Violator 1

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Date Violator 2

**SEEN AND AGREED**

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Date Fire Prevention Bureau