



Planning & Urban Development Department

February 9, 2015

Wilmot Properties LLC
661 Allen Ave.
Portland ME, 04103

Hand Delivered and Certified Mail: 70090820000141879035

CBL: 026 O010001
Located At: 233 Cumberland Ave

Tenant Notification/ Posting Notice

Dear Mr. Fowler:

An evaluation of the above-referenced property with Officials from the City's Inspections Division on 02/09/2015 revealed that the structure fails to comply with § 6-120. (a), (b), & (c) of the Housing Code of the City of Portland. Specifically, the building is without heat, electricity, a fire alarm system, hot/ potable water, and a clear path of travel (exits). The residential dwelling units located at 223 Cumberland Ave are unfit for human habitation and must remain vacated.

Attached is a list of the violations, they require immediate correction.

The City is willing to work cooperatively with you in creating an appropriate action plan to address this situation and to streamline all necessary permits for re-occupancy; however, there are minimal safety standards that must be met.

The following conditions must be met:

1. The building must remain totally vacated and properly secured from vandalism.
2. Prior to commencing repairs, appropriate permit applications must be submitted for: renovation work, repairs made to building, HVAC, electrical, and plumbing systems.
3. Follow all inspection requirements outlined in each permit issued by the City.



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No tenant(s) may return to the property until further notice from the City. A re-evaluation of the property will occur on 02/23/2015 to verify that the building remain secure and vacant.

Failure to comply will result in this office referring the matter to the City of Portland Corporation Counsel for legal action and possible civil penalties, as provided for in § 1-15 of the Portland City Code and in Title 30-A of M.R.S.A § 4452.

This letter constitutes a decision from which you may appeal pursuant to § 6-127 of the Portland City Code and Rule 80B of the Maine Rules of Civil Procedure.

If you have any questions, concerns or require emergency repair permits- please contact me at 207-874-8701.

For information on the City's Emergency Shelters please contact the Social Services Division at (207) 482-5229 for assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan Rioux".

Jonathan Rioux
Deputy Director of Inspections

CC: Adam Lee, Associate Corporation Counsel
Keith Gautreau, Acting Assistant Chief of Prevention and Community Outreach

CITY OF PORTLAND
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT

389 Congress Street
 Portland, Maine 04101

Inspection Violations

Owner/Manager WILMOT PROPERTIES LLC		Inspector Jonathan Rioux	Inspection Date 2/9/2015
Location 223 CUMBERLAND AVE	CBL 026 0010001	Status Posting Notice	Inspection Type Complaint-Housing Inspection

Code	Int/Ext	Floor	Unit No.	Area	Compliance Date
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1) 6-113.(a)

Violation: LIGHTING STANDARDS/HABITABLE ROOMS

Notes: Minimum lighting standards/Habitable rooms. Every habitable room, other than rooms used primarily for sleeping, shall contain at least two (2) separate duplex convenience outlets or at least one (1) duplex convenience outlet and one (1) ceiling-type or wall-type electric light fixture.

2) 6-120.(a)

Violation: PROPERTIES UNFIT FOR HUMAN HABITATION; AND POSTED AGAINST OCCUPANCY

Notes: Properties which are either damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested in such a manner as to create a serious hazard to the health safety, and general welfare of the occupants or the public

3) 6-120.(b)

Violation: PROPERTIES UNFIT FOR HUMAN HABITATION; AND POSTED AGAINST OCCUPANCY

Notes: Properties which lack plumbing, ventilating, lighting or heating facilities or equipment adequate to protect the health, safety and general welfare of the occupants or the public

4) 6-120.(c)

Violation: PROPERTIES UNFIT FOR HUMAN HABITATION; AND POSTED AGAINST OCCUPANCY

Notes: Properties which because of their general condition, state of the premises, number of occupants, or location are so unsanitary, unsafe, overcrowded or otherwise dangerous or detrimental that they create a serious menace to the occupants or the public;

5) 6-111.(a)

Violation: PLUMBING STANDARDS/BASIC FACILITIES.

Notes: No person shall occupy as owner-occupant or shall allow another to occupy any dwelling, dwelling unit, rooming house, or rooming unit which does not comply with the following minimum standards Basic facilities. Every dwelling unit shall contain within its walls, in sound operating condition, a kitchen sink, a private flush toilet, lavatory basin, and bathtub or shower. Rooming houses and dwelling houses containing rooming units shall contain at least one (1) flush toilet, one (1) lavatory basin, and one (1) bathtub or shower for each five (5) persons or fraction thereof living within rooming units in the dwelling.

6) 6-109.5.(d)

Violation: STAIRWAYS, STAIRS, & PORCHES.

Notes: Stairways, stairs, porches. Every outside stairway, stairwell, stairs and porch and any appurtenances thereto shall be structurally sound, in good repair and safe to use. Every outside stairway, stairwell, stairs and porch and any appurtenances thereto shall be structurally sound, in good repair and safe to use.

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7) 6-109.(f)

Violation: MAINTENANCE OF SERVICE TO UTILITIES.

Notes: Maintenance of service to utilities. No owner, operator or occupant shall cause any service, facility, equipment or utility supplied in accordance with the requirements of this article to be removed, shut off, or discontinued for any occupied dwelling, dwelling unit, rooming house, or rooming unit except for such temporary interruption as may be necessary when actual repairs or alterations are being expeditiously made. For purposes of this Code, whenever it is established that the interruption was for more than twelve (12) hours within a twenty-four-hour period, the owner or operator shall have the burden of producing evidence proving the interruption was necessary and unavoidable given all the surrounding circumstances.

8) 6-114.(a)

Violation: WHEN CENTRAL HEATING PLANT NOT AVAILABLE.

Notes: When heat is not furnished by a central heating plant, each dwelling unit or rooming unit shall be provided with one (1) or more masonry flues and smoke or vent pipe connections, or equal arrangement, in accordance with the provisions of the city Code to permit the use of heating equipment capable of providing heat as required by this section.

9) 6-116.(e)

Violation: FIRE PROTECTION

Notes: Every dwelling, dwelling unit, rooming house and rooming unit shall comply with the applicable provisions of the most current edition of the National Fire Protection Association Life Safety Code, and with all other applicable state statutes and regulations.

10) 6-116.(b)

Violation: EGRESS

Notes: Every dwelling unit and every rooming unit shall have safe, unobstructed means of egress leading to safe and open spaces at ground level in accordance with applicable statutes, regulations and ordinances.

Comments:



**City of Portland
Inspection Services
RETURN OF SERVICE**

On the 9TH day of February, I made service of Steve Fowler
at 233 Cumberland Ave

- By delivering a copy in hand
- By leaving copies at the individual's dwelling house or usual place of abode with a person of a suitable age or discretion who resides therein and whose is named _____.
- By delivering a copy to an agent authorized to receive service of process, and whose name is _____.
- By (describe other manner of service) _____

DATED 2/9/2015

[Signature]
Signature of Person Making Service
Deputy Dir. of Inspections
Title

I have received the above referenced documents

[Signature]
Person Receiving Service

Refused to Sign
 Unable to Sign