

Portland, Maine



Yes. Life's good here.

Danielle P. West-Chuhta
Corporation Counsel

Michael I. Goldman
Associate Counsel

Anne M. Torregrossa
Associate Counsel

Victoria E. Morales
Associate Counsel

August 18, 2016

NOTICE OF INTENT TO PROSECUTE

Forty Portland Pier Association
c/o Jim O'Donnell
Dirigo Management
One City Center
Portland, Maine 04101

Shawn Nelson
Manager
232-8543

RE: 40 Portland Pier
CBL 030 B001

To Whom it May Concern,

Please see the attached Notice of Violation and Order to Correct. The City of Portland Fire Department has referred this matter to me for prosecution in the event that you do not complete and return the required plan of action by **September 15, 2016**. Your failure to comply will result in the issuance of a summons for you to appear in court, and the imposition of civil penalties in the minimum amount of \$100 per violation per day.

Please contact the Fire Prevention Bureau at (207)874-8400 to resolve these outstanding violations. I look forward to your anticipated cooperation and appreciate your efforts to help keep the citizens of Portland safe.

Sincerely,

Anne M. Torregrossa
Associate Corporation Counsel
City of Portland

CITY OF PORTLAND FIRE DEPARTMENT
FIRE PREVENTION BUREAU
380 Congress Street, Portland, Maine 04101
fireprevention@portlandmaine.gov
(207)874-8400

**NOTICE OF VIOLATION
AND ORDER TO CORRECT**

August 15, 2016

Responsible Party 1: Forty Portland Pier Association c/o Jim O'Donnell Dirigo Management One City Center Portland, Maine 04101		
Location: 40 Portland Pier	CBL: 030 B001	Inspection Date: 8/4/2016
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 date of completion column by proposing a reasonable timeframe to remedy each violation. This form must be received by the Fire Prevention Bureau no later than **September 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.**

Violation	Date of Completion
1. NFPA 101-7.2.4.3.1 FIRE BARRIER REQUIRES MAINTENANCE; Fire barriers separating buildings or areas between which there are horizontal exits shall have a minimum 2-hour fire resistance rating, unless otherwise provided in 7.2.4.4.1, and shall provide a separation that is continuous to the finished grounded level. <i>Hole in sheetrock in roof access ladder area must be closed with fire rated material.</i>	<u>12 / 11 / 16</u>
2. NFPA 101-7.9.3 EMERGENCY LIGHTS REQUIRE MAINTENANCE; 7.9.3 Periodic Testing of Emergency Equipment 7.9.3.1 Required emergency lighting systems shall be	<u>11 / 11 / 16</u>

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<p>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.</p> <p>7.9.3.1.1 Testing of required emergency lighting systems shall be permitted to be conducted as follows:</p> <p>(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).</p> <p>(2) The test interval shall be permitted to be extended beyond 30 days with the approval of the authority having jurisdiction.</p> <p>(3) Functional testing shall be conducted annually for a minimum 1-1/2 hours if the emergency lighting system is battery powered.</p> <p>(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).</p> <p><i>Repair lights in garage level electrical room and entry between garage areas.</i></p>	<p>12/1/16 Easter Fire Services Annual Contract</p>
<p>3. NFPA 13- 6.8.2 FDC MISSING CAP. Fire department connections shall be equipped with approved plugs or caps, properly secured and arranged for easy removal by fire department responders. <i>Outside sprinkler connection requires new cap to replace broken, existing cap.</i></p>	<p><u>12/1/16</u></p>
<p>4. PORTLAND FIRE DEPARTMENT CHAPTER 10 FIRE ALARM INSPECTION STICKER REQUIRED. Provide annual fire alarm inspection sticker at the annunciator. This sticker must be provided by a licensed master fire alarm company. A list of licensed master fire alarm companies can be found at: www.portlandmaine.gov/fireprevention. <i>Have fire alarm inspected.</i></p>	<p>11/1/16 Done 8/5/16 Next Due 8/5/17</p>
<p>5. NFPA 13 SPRINKLER SYSTEM INSPECTION TAG. NFPA 13 covers the annual maintenance, inspection, and record keeping requirements for sprinkler system inspection tags. <i>Have sprinkler system tested.</i></p>	<p><u>1/1</u> Completed</p>
<p>6. NFPA 1 EXCESSIVE/DISORDERLY STORAGE.</p>	

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Reference NFPA 1 for excessive fuel load. <i>Remove all storage within 36" in front of or 30" on the sides of electrical panel and electrical shut offs in electrical room on garage level.</i>	<u>9/2/16</u> <i>Done</i>
7. NFPA 70 MISSING BOX COVERS. Refer to NFPA 70, National Electrical Code, on standards for missing box covers. <i>Box beneath main fire panel in sprinkler room requires cover.</i>	<u>12/1/16</u>
8. NFPA 1, CHAPTER 10 - 10.11.6 HIBACHI OR GRILL ON BALCONY. No hibachi, gas-fired grill, charcoal grill, or other similar devices used for cooking, heating, or other purpose, shall be used or kindled on any balcony or under any overhang portion or within 10 ft of any structure <i>Remove grill on second floor deck area.</i>	IMMEDIATELY remove grill. Your signature below indicates that grill has been removed and will not be replaced. <i>Completed 9/2/16</i>
9. NFPA 101- 7.2.1.5.2 ILLEGAL LOCKS ON EXIT DOOR. Locks, if provided, shall not require the use of a key, a tool, or special knowledge or effort for operation from the egress side. <i>Both sides of garage area have secondary egress to back side of building by water, both doors marked exit are chained and locked shut. Exits aren't permitted to be locked.</i>	IMMEDIATELY unlock exit doors. Your signature below indicates that doors will remain unlocked. <i>Completed</i> Time for providing compliant door locks: <u>9/2/16</u>

VIOLATOR CERTIFICATION

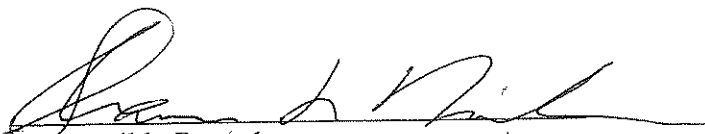
I agree to remedy the violations listed within the timeframes provided. If I require additional time to comply, I understand that I must contact the Fire Prevention Bureau prior to the deadline to request an extension, which is entirely within the Bureau's discretion to grant or deny.

I further understand that it is my responsibility to schedule a reinspection of my property once the violations have been remedied to do so. My failure to schedule a reinspection shall be deemed an admission that the violations have not been remedied.

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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.

9/9/16
Date


Responsible Party 1
Shawn H. Nielsen MGT
Dingo Management Corp.
One City Center
Capt. Petrucci
Fire Prevention Bureau

SEEN AND AGREED

9/9/2016
Date