

Portland, Maine



Yes. Life's good here.

Danielle P. West-Chuhta
Corporation Counsel

Anne M. Torregrossa
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July 15, 2016

NOTICE OF INTENT TO PROSECUTE

Mainland Real Estate Consultants, LLC
30 Exchange Street
Portland, Maine 04101

Robert M. Raftice, Jr.
Ainsworth, Thelin & Raftice
P.O. Box 2412
South Portland, Maine 04116-2412

RE: 28 Exchange Street
CBL032 I011001

To Whom it May Concern,

Please see the attached Inspection Violations. The City of Portland Fire Department has referred this matter to me for prosecution. In order to avoid prosecution, you must submit to Fire Prevention Bureau a plan of action to remedy the violations no later than **July 29, 2016**.

**YOUR FAILURE TO SUBMIT A PLAN OF ACTION
WITHIN THE TIMEFRAME PROVIDED WILL RESULT IN
LEGAL ACTION AND THE IMPOSITION OF CIVIL PENALTIES.**

Please feel free to contact Tori Ross of the Fire Prevention Bureau at (207)874-8400 with any questions. 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
PORTLAND FIRE DEPARTMENT**

380 Congress Street
Portland, Maine 04101 #353907

Inspection Violations

Owner/Manager Mainland Real Estate		Inspector Curtis Magnuson	Inspection Date 6/20/2016
Location 0028 EXCHANGE ST	CBL 032 1011001	Status Failed	Inspection Type Fire Company-FP Routine Inspec

Code	Int/Ext	Floor	Unit No.	Area	Compliance Date
1) 69.20					
Violation:	PORTLAND FIRE DEPARTMENT CHAPTER 10 SECTION 12 KNOX BOX REQUIRED; KNOX BOXES ARE REQUIRED FOR ALL BUILDINGS WITH FIRE ALARM OR SUPPRESSION SYSTEMS.				
Notes:	PLEASE PLACE AT THE MAIN ENTRANCE TO THE BUILDING				
2) 73.15					
Violation:	NFPA 101- 31.3.1.1.1 VERTICAL OPENINGS NOT FIRE RATED; VERTICAL OPENINGS SHALL BE ENCLOSED OR PROTECTED IN ACCORDANCE WITH SECTION 8.6.				
Notes:	REAR BASEMENT STAIRS IN #28 IS WIDE OPEN FROM BASEMENT INTO STORE ON FIRST FLOOR. BASEMENT IS USED FOR STORAGE.				
3) 80.28					
Violation:	NFPA 101- 7.5.1.1 EXIT OBSTRUCTED; Where exits are not immediately accessible from an open floor area, continuous passageways, aisles, or corridors leading directly to every exit shall be maintained and shall be arranged to provide access for each occupant to not less than two exits by separate ways of travel, unless otherwise provided in 7.5.1.1.3 and 7.5.1.1.4.				
Notes:	IN #28. REAR BASEMENT STAIRS. NO STORAGE ALLOWED ON STAIRS. NEARLY IMPASSABLE.				

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4) 80.32

Violation: NFPA 101-7.10.9 TESTING AND MAINTENANCE EXIT SIGNS REQUIRE MAINTENANCE; 7.10.9.1 Inspections. Exit signs shall be visually inspected for operation of the illumination sources at intervals not to exceed 30 days.

7.10.9.2 Testing. Exit signs connected to, or powered with, a battery-operated emergency illumination source shall be tested and maintained in accordance with 7.9.3.

7.9.3 Periodic Testing of Emergency Equipment

7.9.3.1 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).

(5) Written records of visual inspections and tests shall be kept by the owner for inspection by the authority having jurisdiction.

Notes: IN #28, THE REAR EMERGENCY EXIT NEEDS TO BE CLEARLY IDENTIFIED TO OCCUPANTS OF THE STORE

5) 81.10

Violation: 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.

Notes:

6) 89.05

Violation: NFPA 1 EXCESSIVE/DISORDERLY STORAGE; REFERENCE NFPA 1 FOR EXCESSIVE FUEL-LOAD.

Notes: IN #28 BASEMENT

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7) 91.15

Violation: NFPA 70- ARTICLE 110.12 B EXPOSED WIRING CONNECTIONS; Internal parts of electrical equipment, including busbars, wiring terminals, insulators, and other surfaces, shall not be damaged or contaminated by foreign materials such as paint, plaster, cleaners, abrasives, or corrosive residues. There shall be no damaged parts that may adversely affect safe operation or mechanical strength of the equipment such as parts that are broken; bent; cut; or deteriorated by corrosion, chemical reaction, or overheating.

Notes: IN #28. BOILER ELECTRICAL CONNECTIONS NEED COVERS

8) 91.20

Violation: 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.

Notes: EXTENSION CORD IS WIRED INTO A JUNCTION BOX AND USED AS PERMENAT WIRING. REAR OF STORE IN #28

9) 55.082

Violation: NFPA 70 LABEL ALL ELECTRICAL PANELS; REFER TO NFPA 70 FOR REQUIREMENTS REGARDING LABELING OF ALL ELECTRICAL PANELS.

Notes: IN #28 BASEMENTS

10) 7.013

Violation: NFPA 1- 14.6.3 COMBUSTIBLES STORED UNDER STAIRWAY; ENCLOSED, USABLE SPACES, WITHIN EXIT ENCLOSURES SHALL BE PROHIBITED, INCLUDING UNDER STAIRS, UNLESS OTHERWISE PERMITTED BY 14.6.3.2.

Notes: IN #28. FRONT BASEMENT STAIRS

11) 10.002

Violation: NFPA 10- 7.1.1 FIRE EXTINGUISHERS NEED ANNUAL SERVICE; THE OWNER OR DESIGNATED AGENT OR OCCUPANT OF A PROPERTY IN WHICH FIRE EXTINGUISHERS ARE LOCATED SHALL BE RESPONSIBLE FOR INSPECTION, MAINTENANCE, AND RECHARGING.

Notes: IN #28 BASEMENT

12) 7.001

Violation: NFPA 54- 9.6.4 UTILITY DISCONNECTS BLOCKED; Each appliance connected to a piping system shall have an accessible, approved manual shutoff valve with a nondisplaceable valve member, or a listed gas convenience outlet. Appliance shutoff valves and convenience outlets shall serve a single appliance only and shall be installed in accordance with 9.6.4.1.

Notes: IN #28 BASEMENT

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13) 54.520

Violation: NFPA 101- 29.5.2.1 HEATING, VENTILATING, AND AIR-CONDITIONING; HEATING, VENTILATING, AND AIR-CONDITIONING EQUIPMENT SHALL COMPLY WITH THE PROVISIONS OF SECTION 9.2, EXCEPT AS OTHERWISE REQUIRED IN THIS CHAPTER.

Notes: IN #28 AND #32 THE OIL LINES FOR THE FURNACES NEED TO BE ABOVE GROUND. CURRENTLY BELOW THE CONCRETE FLOOR.

Comments: Spoke with owner of the building and explained the violations found. He will call fire prevention when he receives the letter to work out a plan of correction.