

Portland, Maine



Yes. Life's good here.

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December 2, 2016

**NOTICE OF INTENT TO PROSECUTE**

To Whom it May Concern,

Please see the attached Notice of Violation and Order to Correct from the City of Portland Fire Prevention Bureau. The Fire Prevention Bureau has referred this matter to me for prosecution in the event that you do not complete and return the required plan of action by the date contained in the Notice of Violation. 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 PREVENTION BUREAU  
380 Congress Street, Portland, Maine 04101  
fireprevention@portlandmaine.gov  
(207) 874-8400

**NOTICE OF VIOLATION AND ORDER TO CORRECT**

December 2, 2016

<b>Responsible Party 1:</b> ONE CITY CENTER ASSOCIATES LLC ONE CITY CENTER PORTLAND , ME 04101		
<b>Location</b> 1 CITY CTR	<b>CBL</b> 032 L002001	<b>Inspection Date</b> 11/18/2016
<b>Inspector</b> Sean Donaghue	<b>Inspection Type</b> FP Routine Inspection	<b>Status</b> 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 12/30/2016. 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.**

<b>Violation</b>	<b>Proposed Date of Completion</b>
<b>NFPA 101- 31.3.1.1.1 VERTICAL OPENINGS NOT FIRE RATED;</b> Vertical openings shall be enclosed or protected in accordance with Section 8.6. Generator room has large open holes in vertical wall where wiring passes through, please fireproof these voids	___/___/___
<b>NFPA 101-7.9.3 EMERGENCY LIGHTS REQUIRE MAINTENANCE;</b> 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. Many out in Penthouse level throughout, please review all emergency lights throughout building and address any that don't illuminate on back-up power	___/___/___

Violation	Proposed Date of Completion
<p><b>NFPA 101-7.10.9 TESTING AND MAINTENANCE EXIT SIGNS REQUIRE MAINTENANCE;</b> 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.</p> <p>Exits signs don't illuminate on back-up power Penthouse level and floor below. Please review all exit signs throughout building and address any that don't illuminate when tested.</p>	<p>___/___/___</p>
<p><b>NFPA 101- 7.2.1.8.1 FIRE DOORS MUST BE SELF- OR AUTO-CLOSING;</b> 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 7.2.1.8.3.</p> <p>Multiple fire doors throughout noted to be normally blocked open or not properly fitted with appropriate self closing mechanisms. Noted in the basement maintenance area, Boiler room (3 doors) and generator room on roof mechanical level, 8th floor near elevator.</p>	<p>___/___/___</p>
<p><b>PORTLAND FIRE DEPARTMENT CHAPTER 10 FIRE ALARM INSPECTION STICKER REQUIRED;</b> 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: <a href="http://www.portlandmaine.gov/fireprevention">www.portlandmaine.gov/fireprevention</a>.</p> <p>Fire alarm inspection is expired, please show a current inspection/certification sticker on the main panel</p>	<p>___/___/___</p>
<p><b>NFPA 13 INCOMPLETE SPRINKLER COVERAGE;</b> Refer to NFPA 13.</p> <p>Generator room on roof mechanical level doesn't appear to have sprinkler coverage.</p>	<p>___/___/___</p>
<p><b>NFPA 1 EXCESSIVE/DISORDERLY STORAGE;</b> Reference NFPA 1 for excessive fuel-load.</p> <p>No storage 36" in front and 30" to side of all electrical panels, storage noted by electrical panels on 12, 11, and the basement workshop area. Please review all electrical panels for proper space and access.</p>	<p>___/___/___</p>
<p><b>NFPA 70- 590.6 EXTENSION CORDS;</b> 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.</p> <p>Permanent use of extension cords noted on roof going to upper roof level and in elevator room to fan. Please remove any permanent and semi-permanent extension cords and wire directly to a properly rated outlet</p>	<p>___/___/___</p>
<p><b>NFPA 70 MISSING BOX COVERS;</b> Refer to NFPA 70, National Electrical Code, on standards for missing box covers.</p> <p>Junction boxes missing covers in boiler room roof mechanical level and in the Floor 11 electrical room (2)</p>	<p>___/___/___</p>
<p><b>NFPA 1 EXCESSIVE/DISORDERLY STORAGE;</b> Reference NFPA 1 for excessive fuel-load.</p> <p>Basement, main electrical room, excessive storage all around main shut offs and panels, please remove all storage and debris within 36" in front and 30" to side of electrical panels and shut offs</p>	<p>___/___/___</p>

<b>Violation</b>	<b>Proposed Date of Completion</b>
<b>NFPA 101- 9.7.4.1 FIRE EXTINGUISHERS REQ- OTHER</b> ; Where required by the provisions of another section of this code, portable fire extinguishers shall be installed, inspected, and maintained in accordance with NFPA 10, Standard for Portable Fire Extinguishers. Fire extinguisher required in elevator mechanical room, basement level	___/___/___
<b>NFPA 1 EXCESSIVE/DISORDERLY STORAGE</b> ; Reference NFPA 1 for excessive fuel-load. Basement level elevator mechanical room appears to be set up as an office and has significant amount of storage, no debris or storage in elevator mechanical room	___/___/___
<b>NFPA 101- 9.7.4.1 FIRE EXTINGUISHERS REQ- OTHER</b> ; Where required by the provisions of another section of this code, portable fire extinguishers shall be installed, inspected, and maintained in accordance with NFPA 10, Standard for Portable Fire Extinguishers. Please mount the fire extinguishers that are stored on the floor in Textech and Tic Taco	___/___/___
<b>NFPA 72- 10.2.1.2.2 SMOKE DETECTOR NEEDS REPAIR</b> ; System defects and malfunctions shall be corrected. In basement maintenance area, smoke detector is covered related to the saw/wood cutting that occurs directly below it. It was covered both times we were there, it appears to be covered all the time. Please remove cover except for temporary times when work is going to occur around/under the detector.	

### **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.

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.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Responsible Party

\_\_\_\_\_  
Date

\_\_\_\_\_  
Responsible Party

### **SEEN AND AGREED**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Fire Prevention Bureau