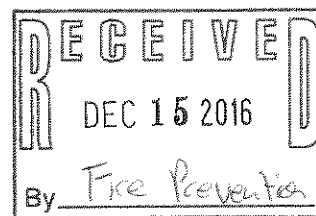


CITY OF PORTLAND
 FIRE PREVENTION BUREAU
 380 Congress Street, Portland, Maine 04101
 fireprevention@portlandmaine.gov
 (207) 874-8400



NOTICE OF VIOLATION AND ORDER TO CORRECT

November 19, 2016

Location 1 CITY CTR	CBL 032 L002001	Inspection Date 11/18/2016
Inspector Sean Donaghue	Inspection Type FP Routine Inspection	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 12/15/2016. 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	Proposed Date of Completion
1 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. Generator room has large open holes in vertical wall where wiring passes through, please fireproof these voids	___ / ___ / ___ TBD
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 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	___ / ___ / ___ In process: updating inventory; will identify all existing fixtures and will replace where needed. 13, & 6 will be completely changed. Have replaced most on 12. Next week will work on 3rd floor.

Violation	Proposed Date of Completion
11 NFPA 101- 9.7.4.1 FIRE EXTINGUISHERS REQ- OTHER; 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	___/___/___ TBD
12 NFPA 1 EXCESSIVE/DISORDERLY STORAGE; 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	___/___/___ Otis Elev Responsibility not an office. <i>See attached</i>
13 NFPA 101- 9.7.4.1 FIRE EXTINGUISHERS REQ- OTHER; 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	___/___/___ TBD
14 NFPA 72- 10.2.1.2.2 SMOKE DETECTOR NEEDS REPAIR; 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.	Complete

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

12/22/2016
Date

Capt. Petrucci
Fire Prevention Bureau

From: Mike Freed

Sent: Thursday, December 8, 2016 10:34 AM

To: donaghues@portlandmaine.gov

Cc: Mark Dussault; Johnno Bishop; OCC Security

Subject: RE: Portland Fire Department, 1 City Center Inspection

Sean,

I just received this Notice to Prosecute. Is this process that we are following adequate to insure that a plan of action is being followed? Are you and the Fire Prevention Bureau one and the same? Does anyone else need to be notified that we are working on resolving these issues? I want the Corporation Counsel to be aware that we are addressing these violations.

2+3
Attached is the updated Violation report. We have created an inventory of emergency lights and exit signs (#2&3). We will be replacing older emergency lights and exit signs with new LED ones. A number of LED replacements already exist throughout the building.

12
The elevator room#12 is not used as an office. The elevator company stores elevator materials there and uses the desk occasionally when they are working here. The elevator company has been told to straighten this room.

4
The double doors #4 in the back hall in the maintenance hall were added when Red Thread moved in. They are not intended to be fire doors. Red Thread has a bathroom located in the back hall and the doors were put in to discourage those using the Red Thread bathroom from wandering into the maintenance area.

I will continue to send you updated as work progresses. Thank you.

Mike

