



May 27, 2016

428 FORE STREET LLC

42 CHAMBERLAIN AVE

PORTLAND, ME 04101

CBL: 032 R001001

Located at 428 FORE ST

NOTICE OF INTENT TO PROSECUTE

Dear Owner/Manager/Occupant,

An inspection of the property located at the address referenced above revealed that the structure and premises fail to comply with NFPA 2009 Fire Code and/or NFPA Life Safety Codes. Attached is a list of those violations.

The above-referenced property is in violation of the Chapter 10, Fire Prevention and Protection, Article 1 of the Portland City Code (the "Code") and National Fire Protection Association (NFPA) 101 Life Safety Code. Please note that the Code is available online at www.portlandmaine.gov.

This is a notice of intent to prosecute. As such, the matter is being referred to the City of Portland Corporation Council for legal action and possible civil penalties as provided for in Chapter 10, Fire Prevention and Protection, 10-25 of the Code and in Title 30- A.M.R.S.A. 4452.

Please be advised that you will need to contact the Fire Prevention Bureau at 207-874-8400 before the court date on the attached Reference to Court letter to either schedule a re-inspection or to submit a plan of action to correct these violations.

Sincerely,

Capt. David Petrucci

Portland Fire Department

Fire Prevention Bureau

**CITY OF PORTLAND
PORTLAND FIRE DEPARTMENT**

380 Congress Street
Portland, Maine 04101

353884

Inspection Violations

Owner/Manager 428 FORE STREET LLC		Inspector Sean Donaghue	Inspection Date 5/26/2016
Location 428 FORE ST	CBL 032 R001001	Status Failed	Inspection Type Fire Company-FP Routine Inspec

Code	Int/Ext	Floor	Unit No.	Area	Compliance Date
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1) 73.05

Violation: NFPA 101- 7.2.1.15.8 FIRE DOOR ASSEMBLY REQ REPAIR; DOOR OPENINGS NOT IN PROPER OPERATING CONDITION SHALL BE REPAIRED OR REPLACED WITHOUT DELAY.

Notes: 4TH FLOOR UNIT DOOR HAS LARGE GAP AT BOTTOM

2) 80.16

Violation: 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.

Notes: 428 STAIRWELL E-LIGHTS ON 2ND AND 3RD FLOOR LANDINGS DON'T ILLUMINATE

3) 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: 428 STAIRWELL TAG IS EXPIRED, PLEASE VERIFY MAIN PANEL IN BASEMENT AS WELL

4) 81.65

Violation: NFPA 13 SPRINKLER SYSTEM INSPECTION TAG; NFPA 13 COVERS THE ANNUAL MAINTENANCE, INSPECTION, AND RECORD KEEPING REQUIREMENTS FOR SPRINKLER SYSTEM INSPECTION TAGS.

Notes: 428 BASEMENT, TAG IS EXPIRED

**CITY OF PORTLAND
PORTLAND FIRE DEPARTMENT**

380 Congress Street
Portland, Maine 04101

Inspection Violations

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Comments:

STATE OF MAINE

DISTRICT COURT

Location: Portland

Docket No.

CITY OF PORTLAND and body politic and
Corporate, located in the County of
Cumberland and State of Maine,

Plaintiff,

v.

428 Fore St LLC
Defendant

**FIRE PREVENTION AND PROTECTION
CODE VIOLATION**

(M.R. CIV. P. 80H AND 80k)

SUMMONS NUMBER: 353884

This matter has been referred to the Corporation Counsel's Office for immediate legal action with respect to the code violations detailed in the attached letter. It has been assigned the above summons number and will be filed with the Portland District Court and will be assigned for an initial appearance at the Portland District Court 205 Newbury Street Portland, Maine 04101 at 8:30 A.M. on 08/08/2016. Please contact Tori Ross in Fire Prevention at (207)-874-8400 or via e-mail at meservev@portlandmaine.gov to set up an in-person meeting to meet with somebody in the Fire Prevention Bureau to resolve these issues or make alternative arrangements to relieve you of the requirement to appear in Court on 08/08/2016.

Dated:



Danielle P. West-Chuhta, ME Bar Number 9532
Corporation Counsel
City of Portland
389 Congress St
Portland, ME 04101
207-874-8480