



April 19, 2016

ZACH'S REAL ESTATE CO LLC

65 PORTLAND ST # 1

PORTLAND, ME 04101

CBL: 033 A019001

Located at 65 PORTLAND 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,

A handwritten signature in cursive script that reads "Capt. D. Petruscelli".

Portland Fire Department

Fire Prevention Bureau

**CITY OF PORTLAND
PORTLAND FIRE DEPARTMENT**

380 Congress Street
Portland, Maine 04101

354556

Inspection Violations

Owner/Manager ZACH'S REAL ESTATE CO LLC		Inspector Curtis Magnuson		Inspection Date 4/15/2016	
Location 65 PORTLAND ST	CBL 033 A019001	Status Failed		Inspection Type Fire Company-FP Routine Inspec	

Code	Int/Ext	Floor	Unit No.	Area	Compliance Date
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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:

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: BY MAIN ENTRANCE

CITY OF PORTLAND
PORTLAND FIRE DEPARTMENT

380 Congress Street
Portland, Maine 04101

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Location 65 PORTLAND ST	CBL 033 A019001	Status Failed	Inspection Type Fire Company-FP Routine Inspec

3) 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: BOTH EXIT LIGHTS AT EXITS NEED REPAIR

4) 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: COIL OF WIRING WITH OPEN ENDS NEAR THE CEILING BY THE ELECTRICAL PANELS IN THE BASEMENT

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5) 91.25

Violation: NFPA 70 MISSING BOX COVERS; REFER TO NFPA 70, NATIONAL ELECTRICAL CODE, ON STANDARDS FOR MISSING BOX COVERS.

Notes: 6 JUNCTION BOXES IN THE BASEMENT NEED COVERS

6) 80.37

Violation: NFPA 101- 8.3.4.2 60 MINUTE FIRE DOOR REQUIRED; REFER TO NFPA 101- TABLE 8.3.4.2 THAT STATES FIRE DOOR ASSEMBLIES FOR VERTICAL SHAFTS (INCLUDING STAIRWAYS, EXITS, AND REFUSE CHUTES) ARE RATED AND REQUIRED FOR 1 HOUR.

Notes: BOTH BASEMENT DOORS AND ASSYMBLIES NEED TO BE FIRE DOORS

7) 3.008

Interior

Basement

Violation: NFPA 211- 9.5.1 CLEARANCE PROTECTION NOT PROVIDED; CLEARANCES FROM CONNECTORS TO COMBUSTIBLE MATERIAL SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF 9.5.1.1 THROUGH 9.5.5.3 FOR BOTH UNPROTECTED AND PROTECTED INSTALLATIONS.

Notes: FURNACES BY THE ELECTRICAL PANELS

8) 55.082

Interior

Kitchen

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

Notes:

9) 7.011

Interior

Basement

Violation: NFPA 1- 19.1.2 INSIDE STORAGE NOT ORDERLY; PERSONS OWNING OR HAVING CONTROL OF ANY PROPERTY SHALL NOT ALLOW ANY COMBUSTIBLE WASTE MATERIAL TO ACCUMULATE IN ANY AREA OR IN ANY MANNER THAT CREATES A FIRE HAZARD TO LIFE OR PROPERTY.

Notes: NO STORAGE ALLOWED DIRECTLY BELOW THE ELECTRICAL PANELS IN THE BASEMENT

10) 55.147

Interior

Basement

Violation: NFPA 101- 8.7.3.2 STORAGE FOR FLAM./ COMB. LIQUIDS; NO STORAGE OR HANDLING OF FLAMMABLE LIQUIDS OR GASES SHALL BE PERMITTED IN ANY LOCATION WHERE SUCH STORAGE WOULD JEOPARDIZE EGRESS FROM THE STRUCTURE, UNLESS OTHERWISE PERMITTED BY 8.7.3.1.

Notes: NEED A STORAGE CABINET FOR ALL OF THE PAINTS, THINNERS, MINERAL SPIRITS AND OTHER FINISH PRODUCTS.

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,

**FIRE PREVENTION AND PROTECTION
CODE VIOLATION**

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

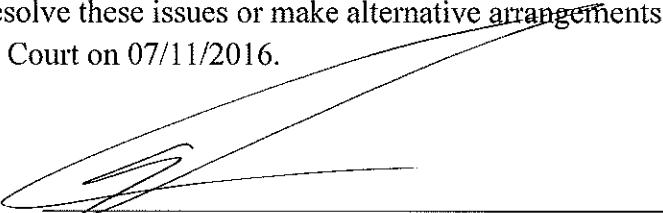
v.

Zach's Real Estate Co LLC
Defendant

SUMMONS NUMBER: 354556

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 07/11/2016. 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 07/11/2016.

Dated: 4/28/16



Adam R. Lee, Esq. Bar No. 4143
Associate Corporation Counsel
City of Portland
389 Congress St
Portland, ME 04101
207-874-8480