



May 3, 2016

Rokowski Michael J &

15 Sandy Toes Ln

Windham, ME 04062

CBL: 033 J015001

Located at 12 ALDER 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](http://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 black ink, appearing to be the name of a representative from the Portland Fire Department.

Portland Fire Department

Fire Prevention Bureau

**CITY OF PORTLAND  
PORTLAND FIRE DEPARTMENT**

380 Congress Street  
Portland, Maine 04101

# 354560

**Inspection Violations**

<b>Owner/Manager</b> Rokowski Michael J &		<b>Inspector</b> Curtis Magnuson	<b>Inspection Date</b> 3/8/2016
<b>Location</b> 12 ALDER ST	<b>CBL</b> 033 J015001	<b>Status</b> Failed	<b>Inspection Type</b> Fire Company-FP Routine Inspec

Code	Int/Ext	Floor	Unit No.	Area	Compliance Date
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1) 69.05

**Violation:** PORTLAND FIRE DEPARTMENT CHAPTER 10 4.3.1, 4.3.2 BUILDING ADDRESS NOT MARKED ON BUILDING; 4.3.1 Signs shall be located in a position readily visible as approaching from the main access and approved by the Fire Department. Signs shall be illuminated or retro reflective on a contrasting background and the letter(s) size shall be approved by the Fire Department.

4.3.2 Street Address shall be clearly marked on the front of the building and building sign as approved by the Fire Department.

**Notes:**

2) 80.46

**Violation:** NFPA 101- 7.2.1.8.1 FIRE DOORS MUST BE SELF- OR AUTO-CLOSING; 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.

**Notes:** ALL APARTMENT DOORS

3) 55.05

**Violation:** NFPA 720- 5.5.6.1 CO ALARMS REQUIRED; The performance, location, and mounting of notification appliances used to initiate or direct action, evacuation or relocation of the occupants, or for providing information to occupants or staff, shall comply with the requirements of Chapter 6.

**Notes:**

4) 55.25

**Violation:** NFPA 101- 31.3.4.5.1 SMOKE ALARMS REQUIRED; In buildings other than those equipped through out with an existing, complete automatic smoke detection system, smoke alarms shall be installed in accordance with 9.6.2.10, as modified by 31.3.4.5.2, outside every sleeping area in the immediate vicinity of the bedrooms and on all levels of the dwelling unit, including basements.

**Notes:** BASEMENT DETECTOR MISSING

5) 89.05

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

**Notes:** BASEMENT

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:** BASEMENT DOOR

CITY OF PORTLAND  
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7) 2.120

**Violation:** NFPA 101- 8.3.5 HOLE IN WALL NEEDS REPAIR; The provisions of 8.3.5 shall govern the materials and methods of construction used to protect through-penetrations and membrane penetrations in fire walls, fire barrier walls, and fire resistance-rated horizontal assemblies. The provisions of 8.3.5 shall not apply to approved existing materials and methods of construction used to protect existing through-penetrations and existing membrane penetrations in fire walls, fire barrier walls, or fire resistance-rated horizontal assemblies, unless otherwise required by chapters 11 through 43.

**Notes:** 1ST FLOOR HALL

8) 2.125

**Violation:** N.F.P.A. 101 CHP. 31.3.3.2 HOLE IN CEILING NEEDS REPAIR; InteriorWall and Ceiling Finish  
Interior walls and ceiling finish materials complying with 10.2 shall be permitted as follows:  
1) Exit enclosures -- Class A or class B  
2) Lobbies and corridors--Class A or Class B  
3) Other spaces Class A, or Class B, or Class C

**Notes:** 2ND FLOOR REAR STAIRWELL

9) 2.140

**Violation:** NFPA 1- 10.1.1 STRUCTURE NEEDS REPAIR; Every new and existing building or structure shall be constructed, arranged, equipped, maintained, and operated in accordance with this code so as to provide a reasonable level of life safety, property protection, and public welfare from the actual and potential hazards created by fire, explosion, and other hazardous conditions.

**Notes:** REAR DECK AND STAIRS OFF THE DECK UNSTABLE

10) 2.120

**Violation:** NFPA 101- 8.3.5 HOLE IN WALL NEEDS REPAIR; The provisions of 8.3.5 shall govern the materials and methods of construction used to protect through-penetrations and membrane penetrations in fire walls, fire barrier walls, and fire resistance-rated horizontal assemblies. The provisions of 8.3.5 shall not apply to approved existing materials and methods of construction used to protect existing through-penetrations and existing membrane penetrations in fire walls, fire barrier walls, or fire resistance-rated horizontal assemblies, unless otherwise required by chapters 11 through 43.

**Notes:** 1ST FLOOR REAR HALL

11) 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:** FRONT PORCH

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12) 7.008

**Violation:** NFPA 101- 7.1.10.2.1 DEBRIS INSIDE BUILDING; NO FURNISHINGS, DECORATIONS, OR OTHER OBJECTS SHALL OBSTRUCT EXITS OR THEIR ACCESS THERE TO, EGRESS THEREFROM, OR VISIBILITY THEREOF.

**Notes:** STORAGE IN FRONT STAIRWELL 3RD FLOOR

13) 7.008

**Violation:** NFPA 101- 7.1.10.2.1 DEBRIS INSIDE BUILDING; NO FURNISHINGS, DECORATIONS, OR OTHER OBJECTS SHALL OBSTRUCT EXITS OR THEIR ACCESS THERE TO, EGRESS THEREFROM, OR VISIBILITY THEREOF.

**Notes:** STORAGE REAR STAIRWELL

14) 7.008

**Violation:** NFPA 101- 7.1.10.2.1 DEBRIS INSIDE BUILDING; NO FURNISHINGS, DECORATIONS, OR OTHER OBJECTS SHALL OBSTRUCT EXITS OR THEIR ACCESS THERE TO, EGRESS THEREFROM, OR VISIBILITY THEREOF.

**Notes:** ON THE RIGHT SIDE OF THE BUILDING A LARGE AMOUNT OF TRASH AND DEBRIS IS STACKED AGAINST THE BUILDING.

15) 3.010

**Violation:** NFPA 54- B.3 HEATING EQUIPMENT NEEDS CLEANING; THESE RECOMMENDATIONS ARE PREPARED FOR MAINTENANCE OF APPLIANCES AND EQUIPMENT. SPECIAL TYPES OF APPLIANCES AND EQUIPMENT DEMAND SPECIAL ATTENTION.

**Notes:** THE FURNACE IS LEAKING #2 FUEL OIL INTO A COLLECTION PAN WHICH IS LEAKING INTO THE DIRT FLOOR

16) 3.010

**Violation:** NFPA 54- B.3 HEATING EQUIPMENT NEEDS CLEANING; THESE RECOMMENDATIONS ARE PREPARED FOR MAINTENANCE OF APPLIANCES AND EQUIPMENT. SPECIAL TYPES OF APPLIANCES AND EQUIPMENT DEMAND SPECIAL ATTENTION.

**Notes:** APPEARS BOTH THE FILL PIPE AND THE FILTER ON THE #2 OIL TANK ARE LEAKING ONTO THE DIRT FLOOR.

**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.

Michael Rokowski  
Defendant

**FIRE PREVENTION AND PROTECTION  
CODE VIOLATION**

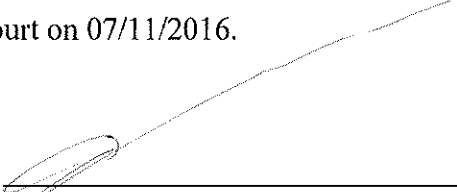
**(M.R. CIV. P. 80H AND 80k)**

SUMMONS NUMBER: 354560

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](mailto: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:

5/4/16

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