

Portland, Maine



Yes. Life's good here.

Danielle P. West-Chuhta
Corporation Counsel

Anne M. Torregrossa
Associate Counsel

Michael I. Goldman
Associate Counsel

July 14, 2016

NOTICE OF INTENT TO PROSECUTE

Earl Apartments LLC
104 Grant Street
Portland, Maine 04101

Earl Apartments, LLC
c/o William H. Leete
Leet & Lemieux, P.A.
P.O. Box 7740
Portland, Maine 04112

RE: 341 Cumberland Avenue
CBL033 K008001

To Whom it May Concern,

Please see the attached Inspection Violations. The City of Portland Fire Department has referred this matter to me for prosecution. In order to avoid prosecution, you must submit to Fire Prevention Bureau a plan of action to remedy the violations no later than **July 29, 2016**.

**YOUR FAILURE TO SUBMIT A PLAN OF ACTION
WITHIN THE TIMEFRAME PROVIDED WILL RESULT IN
LEGAL ACTION AND THE IMPOSITION OF CIVIL PENALTIES.**

Please feel free to contact Tori Ross of the Fire Prevention Bureau at (207)874-8400 with any questions. 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
PORTLAND FIRE DEPARTMENT

380 Congress Street
Portland, Maine 04101 # 353920

Inspection Violations

Owner/Manager Earl Apartments Llc		Inspector Sean Donaghue	Inspection Date 7/3/2016
Location 341 CUMBERLAND AVE	CBL 033 K008001	Status Failed	Inspection Type Fire Company-FP Routine Inspec

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

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: BUILDING IDENTIFIERS ARE NOT PROMINENTLY DISPLAYED TO THE STREET, THEY ARE UNDER THE ALCOVE. NUMBERS NEED TO BE VISIBLE FROM THE STREET, OF CONTRASTING COLOR, AND LARGER THAN 4".

2) 69.25

Violation: PORTLAND FIRE DEPARTMENT CHAPTER 10 4.6.1, 4.6.2 UNIT/SUITE NUMBERS NOT MARKED; 4.6.1 RESIDENTIAL UNITS SHALL BE DESIGNATED USING NUMERALS.

4.6.2 THE FIRST NUMERAL OF EACH RESIDENTIAL UNIT SHALL BE THE FLOOR DESIGNATION.

Notes: Unit 22, it appears two doors access same apartment as it seemed the same dog was barking at both doors. Tenant didn't answer when we knocked, didn't want to have issue with the dog so we didn't open the door to inspect the unit. One door is labeled and one isn't, please label if it is an additional unit door.

**CITY OF PORTLAND
PORTLAND FIRE DEPARTMENT**

380 Congress Street
Portland, Maine 04101

Inspection Violations

Owner/Manager Earl Apartments Llc		Inspector Sean Donaghue	Inspection Date 7/3/2016
Location 341 CUMBERLAND AVE	CBL 033 K008001	Status Failed	Inspection Type Fire Company-FP Routine Inspec

3) 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: 2nd floor, light housing open with exposed wiring and doesn't illuminate when tested. Rear staircase doesn't appear to be fully equipped with emergency lighting on every floor. Unable to illuminate any of the older style single lights on floors 3, 4 and 5. Please review and service all emergency lighting.

**CITY OF PORTLAND
PORTLAND FIRE DEPARTMENT**

380 Congress Street
Portland, Maine 04101

Inspection Violations

Owner/Manager Earl Apartments Llc		Inspector Sean Donaghue	Inspection Date 7/3/2016
Location 341 CUMBERLAND AVE	CBL 033 K008001	Status Failed	Inspection Type Fire Company-FP Routine Inspec

4) 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: 4TH FLOOR BY UNIT 9, 5TH FLOOR BY UNITS 15/16 AND BY UNIT 20/STAIRWELL. PLEASE REVIEW AND SERVICE ALL EMERGENCY LIGHTING.

5) 80.68

Violation: NFPA 101-7.10.5.1 NORMAL ILLUMINATION FOR EXITS; Every sign required by 7.10.1.2, 7.10.1.5, or 7.10.8.1, other than where operations or processes require low lighting levels, shall be suitably illuminated by a reliable light source. Externally and internally illuminated signs shall be legible in both the normal and emergency lighting mode.

Notes: REAR STAIRWELL HAD NORMAL ILLUMINATION LIGHTS ON MOTION DETECTORS THAT DIDN'T TURN ON. PLEASE REVIEW AND SERVICE ALL LIGHTING IN THE REAR STAIRWELL.

CITY OF PORTLAND
PORTLAND FIRE DEPARTMENT

380 Congress Street
Portland, Maine 04101

Inspection Violations

Owner/Manager Earl Apartments Llc		Inspector Sean Donaghue	Inspection Date 7/3/2016
Location 341 CUMBERLAND AVE	CBL 033 K008001	Status Failed	Inspection Type Fire Company-FP Routine Inspec

6) 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: FIRE ALARM PANEL INSPECTION STICKER DATE STATES 6-9-14. PLEASE PRESENT PROOF OF A CURRENT INSPECTION OF THE FIRE ALARM SYSTEM.

7) 89.05

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

Notes: 5TH FLOOR REAR STAIRWELL DEBRIS AND TRASH STORED IN EGRESS STAIRWELL, NOT PERMITTED.

8) 91.25

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

Notes: OPEN JUNCTION BOXES IN MULTIPLE UTILITY CLOSETS ON MULTIPLE FLOORS. PLEASE REVIEW AND ADDRESS ANY OPEN JUNCTION BOXES OR EXPOSED WIRING.

Comments: