

Portland, Maine



Yes. Life's good here.

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October 27, 2016

**NOTICE OF INTENT TO PROSECUTE**

To Whom it May Concern,

Please see the attached Notice of Violation and Order to Correct from the City of Portland Fire Prevention Bureau. The Fire Prevention Bureau has referred this matter to me for prosecution in the event that you do not complete and return the required plan of action by the date contained in the Notice of Violation. Your failure to comply will result in the issuance of a summons for you to appear in court, and the imposition of civil penalties in the minimum amount of \$100 per violation per day.

Please contact the Fire Prevention Bureau at (207)874-8400 to resolve these outstanding violations. 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  
 FIRE PREVENTION BUREAU  
 380 Congress Street, Portland, Maine 04101  
 fireprevention@portlandmaine.gov  
 (207) 874-8400

**NOTICE OF VIOLATION AND ORDER TO CORRECT**

October 27, 2016

<b>Responsible Party 1:</b> SM & A PROPERTIES LLC PO BOX 6752 PORTLAND , ME 04101		<b>Responsible Party 2:</b> Albeshir Saad PO Box 6752 Portland, ME 04101
<b>Location</b> 75 FOREST AVE	<b>CBL</b> 036 H014001	<b>Inspection Date</b> 10/7/2016
<b>Inspector</b> Sean Donaghue	<b>Inspection Type</b> FP Routine Inspection	<b>Status</b> 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 11/15/2016. 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
<b>PORTLAND FIRE DEPARTMENT CHAPTER 10 4.6.1, 4.6.2 UNIT/SUITE NUMBERS NOT MARKED;</b> 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. All interior unit doors require labeling	___/___/___
<b>NFPA 101- 7.2.1.15.8 FIRE DOOR ASSEMBLY REQ REPAIR;</b> Door openings not in proper operating condition shall be repaired or replaced without delay. 73 entrance self closing mechanism is broken and requires repair to self close	___/___/___
<b>NFPA 101- 7.2.8.6.2 FIRE ESCAPE REQUIRES REPAIR;</b> The authority having jurisdiction shall be permitted to approve any existing fire escape stair that has been shown by load test or other satisfactory evidence to have adequate strength. Wooden fire escape in rear requires reapiir, support joists holding walkway are separating underneath, railings appear weakened, entire structure is warping.	___/___/___
<b>NFPA 1 EXCESSIVE/DISORDERLY STORAGE;</b> Reference NFPA 1 for excessive fuel-load. No storage is permitted in egress hallways, 73 entrance first floor and 75 entrance second floor	___/___/___
<b>NFPA 101- 7.2.1.15.8 FIRE DOOR ASSEMBLY REQ REPAIR;</b> Door openings not in proper operating condition shall be repaired or replaced without delay. 73 entrance first floor unit has no deadbolt, tenant currently has clothing stuffed in hole. Hole must be covered or deadbolt installed to maintain integrity of fire barrier.	___/___/___

Violation	Proposed Date of Completion
<p><b>NFPA 80- ANNEX D.4 1-HOUR FIRE DOORS ASSEMBLIES REQ;</b> Listings are provided for floor fire door assemblies that are installed in fire-rated floor-ceiling or roof-ceiling assemblies that have been tested in accordance with the methods described in NFPA 288. The listing indicates the fire-rated assembly and the hourly rating (3 hours, 2 hours, 1.5 hours, 1 hour, .75 hours) for which the door can be permitted to be used so that access to the space above the ceiling or to the floor above can be provided without adversely affecting the fire resistance rating of the entire assembly. The listing provides limitations on the maximum size of an individual door opening and the total area of all door openings permitted for each 100 square feet of floor or ceiling.</p> <p>Throughout building</p>	<p>___/___/___</p>
<p><b>CITY ORDINANCE HARDWIRED SMOKE DETECTORS REQUIRED;</b> New smoke alarms shall be powered in accordance with NFPA 72. Where available options include:  Hardwired with battery back up            A non-rechargeable, non-replaceable primary battery that is capable of operating the device for at least 10 years Existing smoke alarms shall be hardwired and replaced every 10 years with smoke alarms complying with the above notes. All new smoke alarms shall be photoelectric.  Combination detector required in basement</p>	<p>___/___/___</p>
<p><b>1-14.9.1 MINIMUM OF TWO MEANS OF EGRESS;</b> THE NUMBER OF MEANS OF EGRESS FROM ANY BALCONY, MEZZANINE, STORY, OR PORTION THERE OF SHALL BE NOT LESS THAN TWO, EXCEPT UNDER ONE OF THE FOLLOWING CONDITIONS (1) A SINGLE MEANS OF EGRESS SHALL BE PERMITTED WHERE PERMITTED IN CHAPTERS 11 THROUGH 43 OF NPFA 101. (2) A SINGLE MEANS OF EGRESS SHALL BE PERMITTED FOR A MEZZANINE OR BALCONY AND THE COMMON PATH OF TRAVEL LIMITATIONS OF CHAPTERS 11 THROUGH 43 OF NFPA 101 ARE MET.</p> <p>From 3rd floor</p>	<p>___/___/___</p>

**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**

\_\_\_\_\_  
Date Fire Prevention Bureau