

#354957

Portland, Maine



Yes. Life's good here.

August 27, 2015

Sm & A Properties Llc

Po Box 6752

Portland , ME 04101

CBL: 036 H014001

Located at 0075 FOREST AVE

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 "A/C Keith Gauthier".

Portland Fire Department

Fire Prevention Bureau

**CITY OF PORTLAND
PORTLAND FIRE DEPARTMENT**

380 Congress Street
Portland, Maine 04101

Inspection Violations

Owner/Manager Sm & A Properties Llc		Inspector Edward Dexter, Jr.	Inspection Date 8/26/2015
Location 0075 FOREST AVE	CBL 036 H014001	Status Failed	Inspection Type Fire Company-FP Routine Inspec

Code	Int/Ext	Floor	Unit No.	Area	Compliance Date
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1) 9.002

Violation: NFPA 80- ANNEX D.4 1-HOUR FIRE DOORS ASSEMBLIES REQ; 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.

Notes: THROUGHOUT BUILDING

2) 55.162

Violation: CITY ORDINANCE HARDWIRED SMOKE DETECTORS REQUIRED; 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.

Notes: COMBINATION DETECTOR REQUIRED IN BASEMENT

3) 1.115

Violation: 1-14.9.1 MINIMUM OF TWO MEANS OF EGRESS; 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 NFPA 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.

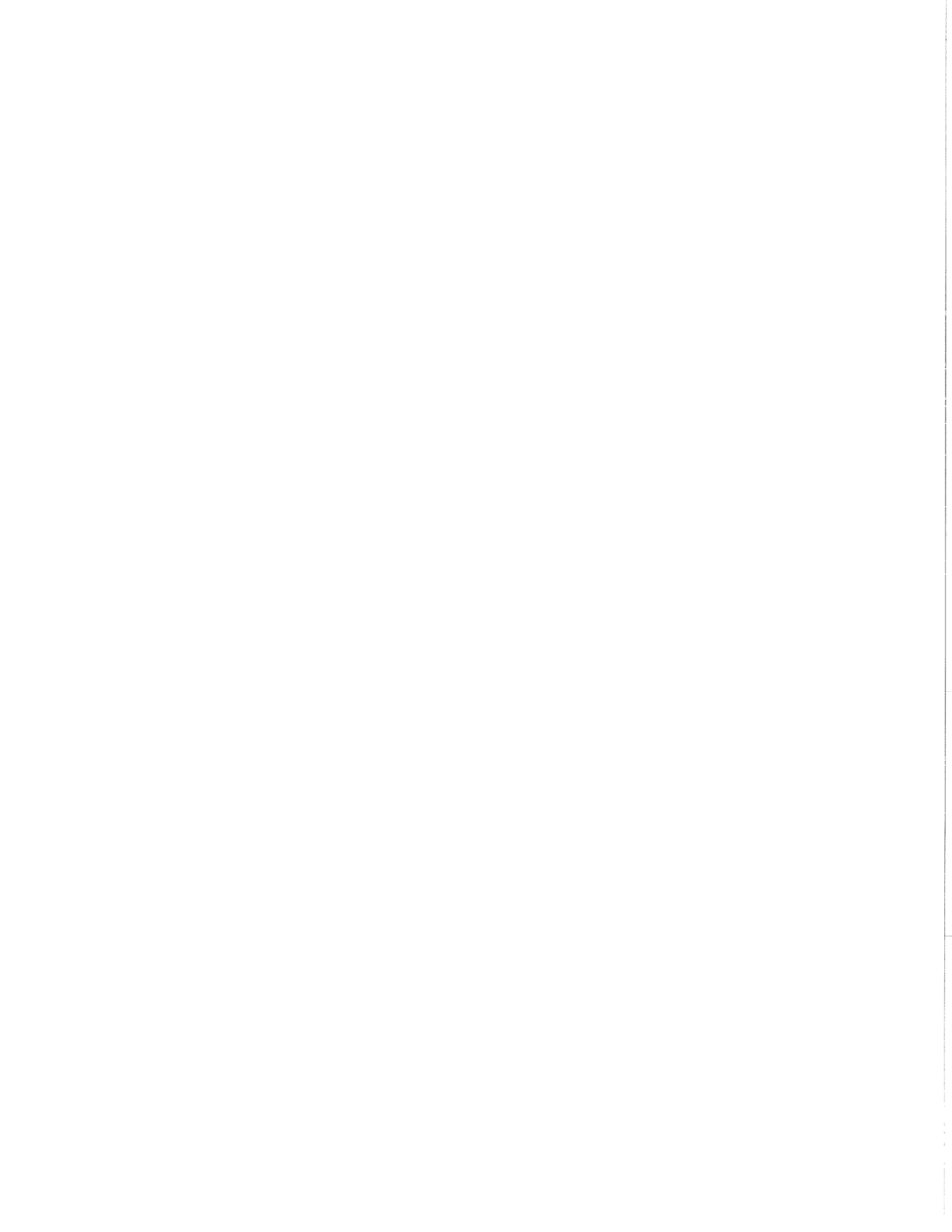
Notes: FROM 3RD FLOOR

4) 55.020

Violation: STAIR VIOLATION; STAIR VIOLATION

Notes: HANDRAIL REQUIRED FRONT EXTERIOR STAIRS FOR LEFT SIDE

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.

SM & A Properties LLC
Defendant

**FIRE PREVENTION AND PROTECTION
CODE VIOLATION**

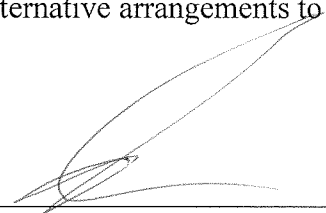
(M.R. CIV. P. 80H AND 80k)

SUMMONS NUMBER: 354957

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 11/09/2015. I strongly urge you to contact Victoria Meserve at Fire Prevention at (207)-874-8400 or via e-mail at meservev@portlandmaine.gov to set up an in-person meeting to resolve these issues or make alternative arrangements to relieve you of the requirement to appear in Court on 11/09/2015.

Dated:

9/1/15



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

