



March 10, 2016

Park Street Property Llc

51 Belfield Rd

Cape Elizabeth , ME 04107

CBL: 037 A009001

Located at 0104 OAK 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 cursive script that reads "David Petruselli".

Portland Fire Department

Fire Prevention Bureau

**CITY OF PORTLAND  
PORTLAND FIRE DEPARTMENT**

380 Congress Street  
Portland, Maine 04101

**Inspection Violations**

<b>Owner/Manager</b> Park Street Property Lic		<b>Inspector</b> Curtis Magnuson	<b>Inspection Date</b> 3/9/2016
<b>Location</b> 0104 OAK ST	<b>CBL</b> 037 A009001	<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) 81.65

**Violation:** NFPA 13 SPRINKLER SYSTEM INSPECTION TAG; NFPA 13 COVERS THE ANNUAL MAINTENANCE, INSPECTION, AND RECORD KEEPING REQUIREMENTS FOR SPRINKLER SYSTEM INSPECTION TAGS.

**Notes:**

2) 55.048

**Violation:** NFPA 101- 31.3.6.2.1 20-MIN FIRE DOOR ASSEMBLIES REQ; Doors that open onto exit access corridors, other than those complying with 8.3.4 or in buildings meeting the requirement of 31.3.6.2.2, shall not have less than 20-minute fire protection rating in accordance with section 8.3.

**Notes:** APARTMENT AND BASEMENT DOORS IN COMMON AREAS

3) 55.047

Interior

Hall

**Violation:** NFPA 101- 7.1.3.2.1 60-MIN FIRE DOOR ASSEMBLIES REQ; THE SEPARATION SHALL HAVE A MINIMUM 1-HOUR FIRE RESISTANCE RATING WHERE THE EXIT CONNECTS THREE OR FEWER STORIES.

**Notes:** 1ST AND 2ND FLOOR COMMON HALLWAYS. NEED DOORS TO SEPARATE FRONT AND REAR STAIRWELLS FOR EGRESS. 3RD AND 4TH FLOORS HAVE THE DOORS IN PLACE

4) 55.083

Interior

Basement

**Violation:** NFPA 70 JUNCTION BOXES REQUIRE COVERS; REFER TO NFPA 70, NATIONAL ELECTRICAL CODE, ON STANDARDS REGARDING JUNCTION BOXES REQUIRING COVERS.

**Notes:** BASEMENT BY THE OIL TANK

5) 55.087

Interior

Basement

**Violation:** NFPA 70- ARTICLE 110.12 EXPOSED WIRES; 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:** 2 LIGHTS HANING FROM JUNCTION BOX IN THE MAINTENANCE ROOM

6) 55.087

Interior

Basement

**Violation:** NFPA 70- ARTICLE 110.12 EXPOSED WIRES; 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:** LIGHT HANGING FROM JUNCTION BOX IN STAIRWELL LEADING TO THE BASEMENT

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CITY OF PORTLAND  
PORTLAND FIRE DEPARTMENT

380 Congress Street  
Portland, Maine 04101

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Inspection Violations

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7) 55.080 Interior Furnace Room

**Violation:** NFPA 101- 31.1.5.1 ELECTRICAL VIOLATION; UTILITIES SHALL COMPLY WITH THE PROVISIONS OF SECTION 9.1.

**Notes:** OUTLET NEEDS TO BE SECURED TO THE BOX.

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**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.

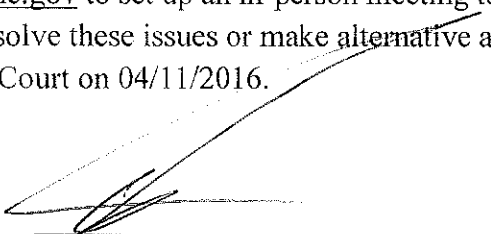
Park Street Property LLC  
Defendant

SUMMONS NUMBER: 354531

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 04/11/2016. 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 04/11/2016.

Dated:

3/16/16



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