

#354936

Portland, Maine



Yes. Life's good here.

August 7, 2015

Earl Apartments Lic

104 Grant St

Portland, ME 04104

CBL: 037 F005001

Located at 0030 PREBLE 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.

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 Kirk Gauthier".

Portland Fire Department

Fire Prevention Bureau

**CITY OF PORTLAND
PORTLAND FIRE DEPARTMENT**

380 Congress Street
Portland, Maine 04101

Inspection Violations

Owner/Manager Earl Apartments Llc		Inspector William Nowicki	Inspection Date 8/6/2015
Location 0030 PREBLE ST	CBL 037 F005001	Status Failed	Inspection Type Fire Company-FP Routine Inspec

Code	Int/Ext	Floor	Unit No.	Area	Compliance Date
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1) 73.20

Violation: NFPA 101- 31.3.7 FLOOR/ CEILINGS ASSEMBLY NOT SMOKE-TIGHT; IN BUILDINGS OTHER THAN THOSE MEETING THE REQUIREMENTS OF 31.3.7.1, 31.3.7.2, 31.3.7.3, 31.3.7.4, OR 31.3.7.5, IN ADDITION TO THE FOLLOWING CRITERIA TO BE MET.

Notes: OLD FREIGHT ELEVATOR SHAFT.

2) 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: MULTIPLE LOCATIONS THROUGHOUT.

3) 80.52

Violation: NFPA 101- 7.2.8.6.2 FIRE ESCAPE REQUIRES REPAIR; 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.

Notes: SHOULD BE INSPECTED TO DETERMINE CONDITION

**CITY OF PORTLAND
PORTLAND FIRE DEPARTMENT**

380 Congress Street
Portland, Maine 04101

Inspection Violations

Owner/Manager Earl Apartments Llc		Inspector William Nowicki	Inspection Date 8/6/2015
Location 0030 PREBLE ST	CBL 037 F005001	Status Failed	Inspection Type Fire Company-FP Routine Inspec

4) 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: LAST INSPECTED 2014

5) 81.40

Violation: PORTLAND CHAPTER 10 CODE SECTION 12 KNOX BOX REQUIRED; KNOX BOXES ARE REQUIRED FOR ALL BUILDINGS WITH FIRE ALARM OR SUPPRESSION SYSTEMS.

Notes: SECOND SET OF MASTERS NEEDED.

6) 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: THROUGHOUT, MULTIPLE UNITS

7) 91.25

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

Notes: MULTIPLE LOCATIONS

8) 91.35

Violation: NFPA 70 MISSING COVER ON PANEL; REFER TO NFPA 70, NATIONAL ELECTRICAL CODE, ON REQUIREMENTS OF MISSING COVER ON ELECTRICAL PANEL.

Notes: MULTIPLE LOCATIONS

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)

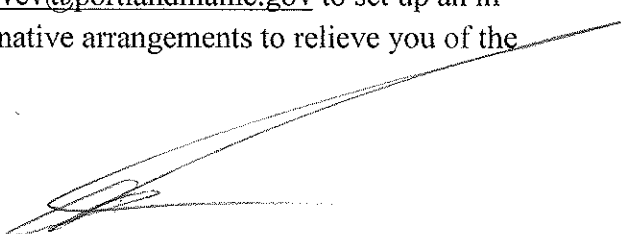
v.

Earl Apartments LLC
Defendant

SUMMONS NUMBER: 354936

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 09/14/2015. 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 09/14/2015.

Dated: 8/13/15



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