

## CONSENT AGREEMENT

The parties, the City of Portland (the "City"), and Jennifer Defilipp and Marc Smith (together, "Owners"), hereby enter into this Consent Agreement as follows:

WHEREAS, Owners are the owners and managers of a multi-unit residential property located at 119 Winter Street in Portland, Maine, shown as CBL 14045 C027001 on the City of Portland Tax Maps (the "Premises");

WHEREAS, Owners were notified of certain violations at the Premises in 2012, including the requirement to install one-hour rated fire doors at the Premises (the "Violations");

WHEREAS, Owners previously agreed to remedy the Violations by April 15, 2013, and the City agreed to allow Owners to remedy the Violations by that date;

WHEREAS, Owners failed to remedy the Violations by the agreed-upon date;

WHEREAS, the Premises were reinspected in January, 2015, and Owners were again notified of the Violations and ordered to remedy the Violations;

WHEREAS, Owners have still failed to remedy the Violations as of the date of this Agreement; and

WHEREAS, the parties wish to settle this matter between them, without the need for litigation.

NOW THEREFORE, the parties agree to the following:

1. Owners agree to remedy the Violations, install sufficiently fire-rated doors as required, and bring the Premises into full compliance with Chapter 10 of the City of Portland Code of Ordinances no later than December 31, 2016. The violations shall be remedied to the satisfaction of the designated representative of the Fire Prevention Bureau.
2. Owners agree to schedule a reinspection of the Premises no later than January 6, 2017.

3. The deadlines contained in paragraphs 1-2 above may be extended with the consent of the Portland Fire Prevention Bureau, which shall be in its sole discretion to grant or deny.
4. Owners admit liability to the City of Portland for \$10,000 in civil penalties, all of which shall be waived if Owners comply with all of the terms of this Agreement.
5. If Owners fail to remedy the violations in the timeframes described above, in addition to owing the full amount of the civil penalties described in paragraph 4, Owners admit liability to the City of Portland for additional civil penalties in the amount of \$100 per violation, per day that the violations are allowed to remain beyond the timeframes described.
6. In exchange for the promises made above, so long as Owners remain in full compliance with this Agreement, the City agrees to forbear from taking any additional enforcement action with respect to the Violations, and agrees to waive any other civil penalties to which it would otherwise be entitled, except as provided in this Agreement.

**SEEN AND AGREED,**

Date:

CITY OF PORTLAND

A/C Keith Gautreau

By: Keith Gautreau

Its: Assistant Fire Chief

Date:

JENNIFER DEFILIPP

9-20-2016

Jennifer DeFilipp

Date:

MARC SMITH

Marc Smith