



July 28, 2015

Thomas Reed House Llc

Po Box 641

Freeport , ME 04032

CBL: 046 C001001

Located at 0030 DEERING ST

NOTICE OF INTENT TO PROSECUTE

Dear Owner/Manager/Occupant,

An inspection of the property located at the address reference above on 06/11/2015 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 black ink, appearing to be "W. J. [unclear]".

Portland Fire Department

Fire Prevention Bureau

**CITY OF PORTLAND
PORTLAND FIRE DEPARTMENT**

380 Congress Street
Portland, Maine 04101

Inspection Violations

Owner/Manager Thomas Reed House Llc		Inspector David Petruccelli	Inspection Date 6/11/2015
Location 0030 DEERING ST	CBL 046 C001001	Status Failed	Inspection Type Fire Prevention-FP Routine Inspe

Code	Int/Ext	Floor	Unit No.	Area	Compliance Date
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1) 69.20

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

Notes:

2) 69.25

Violation: PORTLAND FIRE DEPARTMENT CHAPTER 10 4.6.1, 4.6.2 UNIT/SUITE NUMBERS NOT MARKED; 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.

Notes:

3) 73.05

Violation: NFPA 101- 7.2.1.15.8 FIRE DOOR ASSEMBLY REQ REPAIR; DOOR OPENINGS NOT IN PROPER OPERATING CONDITION SHALL BE REPAIRED OR REPLACED WITHOUT DELAY.

Notes:

4) 73.10

Violation: NFPA 101-7.2.4.3.1 FIRE BARRIER REQUIRES MAINTENANCE; Fire barriers separating buildings or areas between which there are horizontal exits shall have a minimum 2-hour fire resistance rating, unless otherwise provided in 7.2.4.4.1, and shall provide a separation that is continuous to the finished grounded level.

Notes:

5) 73.15

Violation: NFPA 31.3.1.1.1 VERTICAL OPENINGS NOT FIRE RATED; VERTICAL OPENINGS SHALL BE ENCLOSED OR PROTECTED IN ACCORDANCE WITH SECTION 8.6.

Notes:

6) 73.30

Violation: NFPA 101-31.3.4.1.1 FIRE ALARM SYSTEM REQUIRED; Apartment buildings four or more stories in height or with more than 11 dwelling units, other than those meeting the requirements of 31.3.4.1.2, shall be provided with a fire alarm system in accordance with Section 9.6, except as modified by 31.3.4.2 through 31.3.4.6.

Notes:

7) 80.46

Violation: NFPA 101- 7.2.1.8.1 FIRE DOORS MUST BE SELF- OR AUTO-CLOSING; A door leaf normally required to be kept closed shall not be secured in the open position at any time and shall be self-closing or automatic-closing in accordance with 7.2.1.8.2, unless otherwise permitted by 7.2.1.8.3.

Notes:

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8) 80.80

Violation: NFPA 101- 7.5.1.1.1 SECOND EXIT REQUIRED; Where exits are not immediately accessible from an open floor area, continuous passageways, aisles, or corridors leading directly to every exit shall be maintained and shall be arranged to provide access for each occupant to no less than two exits by separate ways of travel, unless otherwise provided in 7.5.1.1.3 and 7.5.1.1.4.

Notes:

9) 80.82

Violation: NFPA 101- 7.2.2.5.1.1 EXIT STAIRS NOT SEPARATED.; ALL INSIDE STAIRS SERVING AS AN EXIT OR EXIT COMPONENT SHALL BE ENCLOSED IN ACCORDANCE WITH 7.1.3.2.

Notes:

10) 71.05

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:

11) 71.15

Violation: NFPA 101- 31.3.4.1.1 FIRE ALARM SYSTEM REQUIRED; Apartment buildings four or more stories in height or with more than 11 dwelling units, other than those meeting the requirements of 31.3.4.1.2, shall be provided with a fire alarm system in accordance with Section 9.6, except as modified by 31.3.4.2 through 31.3.4.6.

Notes:

12) 71.30

Violation: NFPA 101- 31.2.4.1 TWO EXITS REQUIRED ABOVE FIRST FLOOR; EVERY DWELLING UNIT SHALL HAVE ACCESS TO NOT LESS THAN TWO SEPARATE EXITS REMOTELY LOCATED FROM EACH OTHER AS REQUIRED BY 7.5.1.

Notes:

13) 91.10

Violation: NFPA 70- ARTICLE 110 B CERTIFY ELECTRICAL SYSTEM; LISTED OR LABELED EQUIPMENT SHALL BE INSTALLED AND USED IN ACCORDANCE WITH ANY INSTRUCTIONS INCLUDED IN THE LISTING OR LABELING.
ENTIRE ELECTRICAL SYSTEM NEEDS TO BE LOOKED AT.

Notes:

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14) 3.011

Violation: NFPA 101- 31.3.2.1.1 BOILER PROTECTION REQUIRED; THE AREAS DESCRIBED IN TABLE 31.3.2.1.1 SHALL BE PROTECTED AS INDICATED:
BOILER AND FUEL-FIRED HEATER ROOMS SERVING MORE THAN A SINGLE DWELLING UNIT
(MINIMUM SEPARATION/PROTECTION IS 1 HOUR OR SPRINKLERS)

Notes:

Comments: Check on status of property sale and plan to correct outstanding violations, for 30 & 32 Deering. Bill Simpson seller

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.


Thomas Reed House LLC
Defendant

SUMMONS NUMBER: 354851

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:

8/5/15



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