

Portland, Maine



Yes. Life's good here.

Jerome F. LaMoria  
Fire Chief, Fire Department

Portland Fire Department  
Fire Prevention Bureau  
380 Congress St  
Portland, ME 04101

July 21, 2015

Laura Hnatow  
Robert Van Wert  
10 Kendall St  
Portland, ME 04103

#### NOTICE OF INTENT TO PROSECUTE

Dear Owner/Manager/Occupant,

An inspection of the property located at 113 Grant St on 07/17/2015 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](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,

Portland Fire Department  
Fire Prevention Bureau

**CITY OF PORTLAND  
PORTLAND FIRE DEPARTMENT**

380 Congress Street  
Portland, Maine 04101

**Inspection Violations**

<b>Owner/Manager</b> HNA TOW LAURA &		<b>Inspector</b> Michael Nixon	<b>Inspection Date</b> 7/17/2015
<b>Location</b> 113 GRANT ST	<b>CBL</b> 048 A022001	<b>Status</b>	<b>Inspection Type</b> Fire Company-FP Routine Inspec

Code	Int/Ext	Floor	Unit No.	Area	Compliance Date
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1) 55.05 Interior  
**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 ALL UNITS

2) 55.030 Exterior  
**Violation:** NFPA 101- 7.2.2.4.2 HANDRAILS ARE NOT CONTINUOUS; REQUIRED GUARDS AND HANDRAILS SHALL CONTINUE FOR THE FULL LENGTH OF EACH FLIGHT OF STAIRS. AT TURNS OF NEW STAIRS, INSIDE HANDRAILS SHALL BE CONTINUOUS BETWEEN FLIGHTS AT LANDINGS.  
**Notes:** REAR STAIRWAY

3) 55.047 Interior  
**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:** ALL REAR STAIRWAY DOORS AND THIRD FLOOR FRONT ON THE 113 GRANT STREET SIDE

4) 55.088 Interior  
**Violation:** NFPA 70 PLUG OPENINGS IN FUSE PANEL; REFER TO NFPA 70, NATIONAL ELECTRICAL CODE, REGARDING PLUGGING OPEN FUSES IN PANELS.  
**Notes:** THE ELECTRICAL BOX HAS AN OPEN BREAKER COVERED WITH DUCT TAPE THAT NEEDS A BLANK COVER FOR 113 GRANT APARTMENT 3. BASEMENT

5) 55.080 Interior  
**Violation:** NFPA 101- 31.1.5.1 ELECTRICAL VIOLATION; UTILITIES SHALL COMPLY WITH THE PROVISIONS OF SECTION 9.1.  
**Notes:** THE LIGHT SWITCH IN THE BASEMENT IS OPEN AND IS HANGING OFF A WIRE AND NOT PROPER ATTACHED TO THE WALL.

6) 55.147 Interior  
**Violation:** STORAGE FOR FLAM./ COMB. LIQUIDS  
**Notes:** BASEMENT HAS A 5 GALLON DIESEL CAN AND NUMEROUS PAINT/FLUIDS IMPROPERLY STORED WITH NO CABINET

7) 55.051 Interior  
**Violation:** NFPA 101- 7.2.1.8.1 DOORS SHALL BE SELF-CLOSING & SELF-LATCHING; 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 specified by 7.2.1.8.3.  
**Notes:** THROUGHOUT

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.

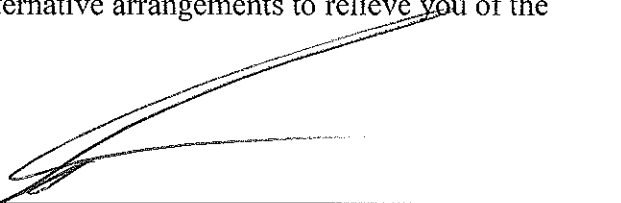
Laura Hnatow & Robert Van Wert  
Defendant

SUMMONS NUMBER: 353743

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](mailto: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



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