

Portland, Maine



Yes. Life's good here.

Danielle P. West-Chuhta  
Corporation Counsel

Anne M. Torregrossa  
Associate Counsel

Michael I. Goldman  
Associate Counsel

July 14, 2016

**NOTICE OF INTENT TO PROSECUTE**

Harold P. Burnham, II and Patricia Burnham  
P.O. Box 2087  
Scarborough, Maine 04074

RE: 94 Park Ave  
CBL048 B003001

To Whom it May Concern,

Please see the attached Inspection Violations. The City of Portland Fire Department has referred this matter to me for prosecution. In order to avoid prosecution, you must submit to Fire Prevention Bureau a plan of action to remedy the violations no later than **July 29, 2016**.

**YOUR FAILURE TO SUBMIT A PLAN OF ACTION  
WITHIN THE TIMEFRAME PROVIDED WILL RESULT IN  
LEGAL ACTION AND THE IMPOSITION OF CIVIL PENALTIES.**

Please feel free to contact Tori Ross of the Fire Prevention Bureau at (207)874-8400 with any questions. I look forward to your anticipated cooperation and appreciate your efforts to help keep the citizens of Portland safe.

Sincerely,

Anne M. Torregrossa  
Associate Corporation Counsel  
City of Portland

**CITY OF PORTLAND  
PORTLAND FIRE DEPARTMENT**

380 Congress Street  
Portland, Maine 04101

#353912

**Inspection Violations**

<b>Owner/Manager</b> BURNHAM HAROLD P II		<b>Inspector</b> Angela Calvo	<b>Inspection Date</b> 6/28/2016
<b>Location</b> 94 PARK AVE	<b>CBL</b> 048 B003001	<b>Status</b> Failed	<b>Inspection Type</b> Fire Company-FP Routine Inspec

Code	Int/Ext	Floor	Unit No.	Area	Compliance Date
------	---------	-------	----------	------	-----------------

1) 80.16 Interior Various locations  
**Violation:** NFPA 101-7.9.3 EMERGENCY LIGHTS REQUIRE MAINTENANCE; 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 EMERGENCY LIGHTS, IN COMMON AREAS, ARE INOPERABLE.

2) 81.20 Interior Basement  
**Violation:** NFPA 10- 7.2.4.4 FIRE EXTINGUISHER INSPECTION TAG; Where manual inspections are conducted, records for manual inspections shall be kept on a tag or label attached to the fire extinguisher, on an inspection checklist maintained on file, or by an electronic method.

**Notes:** EXTINGUISHER HANGING IN BOILER ROOM DOES NOT HAVE CURRENT INSPECTION.

3) 55.20 Interior Through Out  
**Violation:** NFPA 101- 31.3.3.2 INTERIOR FINISH; INTERIOR WALL AND CEILING FINISH MATERIALS COMPLYING WITH 10.2 SHALL BE PERMITTED AS FOLLOWS:  
 (1) EXIT ENCLOSURES- CLASS A OR B  
 (2) LOBBIES AND CORRIDORS- CLASS A OR B  
 (3) OTHER SPACES- CLASS A, B, OR C.

**Notes:** WOOD PANELING THROUGHOUT STAIRWAYS AND HALLWAYS.

