

# 354952

Portland, Maine



Yes. Life's good here.

August 28, 2015

THOMAS KEVIN W

39 DEERING AVE

PORTLAND, ME 04101

CBL: 048 C021001

Located at 119 SHERMAN 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](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,

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**

<b>Owner/Manager</b> THOMAS KEVIN W		<b>Inspector</b> Stacy Bernier	<b>Inspection Date</b> 8/28/2015
<b>Location</b> 119 SHERMAN ST	<b>CBL</b> 048 C021001	<b>Status</b> Failed	<b>Inspection Type</b> 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. SECOND DOOR TO EACH APT. NEEDS APT. NUMBERS

**Notes:**

3) 80.16

**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:** EMERGENCY LIGHTS NOT WORKING THROUGHOUT

**CITY OF PORTLAND  
PORTLAND FIRE DEPARTMENT**

380 Congress Street  
Portland, Maine 04101

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4) 80.28

**Violation:** NFPA 101- 7.5.1.1 EXIT OBSTRUCTED; 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 not 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:** REAR EXIT FROM BUILDING BLOCKED DUE TO SCAFFOLDING AND BUILDING MATERIALS

5) 81.20

**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:** ALL EXTINGUISHERS NEED SERVICE (OR REMOVAL)

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:**

7) 55.25

**Violation:** NFPA 101- 31.3.4.5.1 SMOKE ALARMS REQUIRED; In buildings other than those equipped through out with an existing, complete automatic smoke detection system, smoke alarms shall be installed in accordance with 9.6.2.10, as modified by 31.3.4.5.2, outside every sleeping area in the immediate vicinity of the bedrooms and on all levels of the dwelling unit, including basements.

**Notes:** SMOKE DETECTORS IN APARTMENTS NEED BATTERIES REPLACED AND REATTACHED TO WALL

8) 89.05

**Violation:** NFPA 1- EXCESSIVE/DISORDERLY STORAGE; REFERENCE NFPA 1 FOR EXCESSIVE FUEL-LOAD.

**Notes:** TRASH IN REAR STAIRWAY BLOCKING REAR DOOR, ALSO, DEBRIS IN HALLWAYS THROUGHOUT

**Comments:** Second floor rear door has no stairs or fall protection. Also storage of trash and bicycles in this area. Second floor rear porch area has exposed foam insulation.

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.

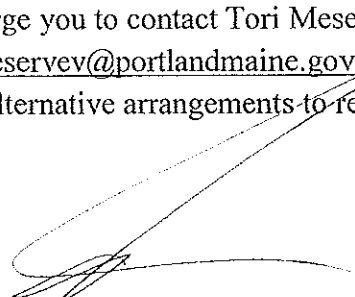
Kevin W. Thomas  
Defendant

SUMMONS NUMBER: 354952

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 Tori 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:

8/28/15



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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