



October 22, 2015

MAHAN CATHLEEN

83 SHERMAN ST # 1

PORTLAND, ME 04101

CBL: 048 D013001

Located at 83 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 black ink, appearing to read "R. Messing", is written over a horizontal line.

Portland Fire Department

Fire Prevention Bureau

354870

**CITY OF PORTLAND  
PORTLAND FIRE DEPARTMENT**

380 Congress Street  
Portland, Maine 04101

**Inspection Violations**

<b>Owner/Manager</b> MAHAN CATHLEEN		<b>Inspector</b> Michael Nixon	<b>Inspection Date</b> 10/21/2015
<b>Location</b> 83 SHERMAN ST	<b>CBL</b> 048 D013001	<b>Status</b> Failed	<b>Inspection Type</b> Fire Company-FP Routine Inspec

Code	Int/Ext	Floor	Unit No.	Area	Compliance Date
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1) 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:** VENT HOLES IN WALLS ABOVE THE DOORS

2) 81.10

**Violation:** PORTLAND FIRE DEPARTMENT CHAPTER 10 FIRE ALARM INSPECTION STICKER REQUIRED; Provide annual fire alarm inspection sticker at the annunciator. This sticker must be provided by a licensed master fire alarm company. A list of licensed master fire alarm companies can be found at: [www.portlandmaine.gov/fireprevention](http://www.portlandmaine.gov/fireprevention).

**Notes:**

3) 81.15

**Violation:** PORTLAND FIRE DEPARTMENT CHAPTER 10 FIRE ALARM SYSTEM REQUIRES SERVICE; FIRE ALARM SYSTEM REQUIRES SERVICE BY A LICENSED MASTER FIRE ALARM COMPANY. A LIST OF LICENSED MASTER FIRE ALARM COMPANIES CAN BE VIEWED AT: [WWW.PORTLANDMAINE.GOV/FIREPREVENTION](http://WWW.PORTLANDMAINE.GOV/FIREPREVENTION).

**Notes:**

4) 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:** DUE FOR INSPECTION THIS MONTH

5) 81.65

**Violation:** NFPA 13 SPRINKLER SYSTEM INSPECTION TAG; NFPA 13 COVERS THE ANNUAL MAINTENANCE, INSPECTION, AND RECORD KEEPING REQUIREMENTS FOR SPRINKLER SYSTEM INSPECTION TAGS.

**Notes:** SYSTEM NOT INSPECTED FOR SEVERAL YEARS

6) 81.70

**Violation:** NFPA 13- 8.1.2 SPRINKLER SYSTEM REQUIRES SERVICE; SYSTEM VALVES AND GAUGES SHALL BE ACCESSIBLE FOR OPERATION, INSPECTION, TESTS, AND MAINTENANCE.

**Notes:**

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380 Congress Street  
Portland, Maine 04101

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<b>Location</b> 83 SHERMAN ST	<b>CBL</b> 048 D013001	<b>Status</b> Failed	<b>Inspection Type</b> Fire Company-FP Routine Inspec

7) 55.15

**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:** 1 ZONE IN ALARM, 1 ZONE IN TROUBLE, MASTER BOX IN DISCONNECT

**Comments:**

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.

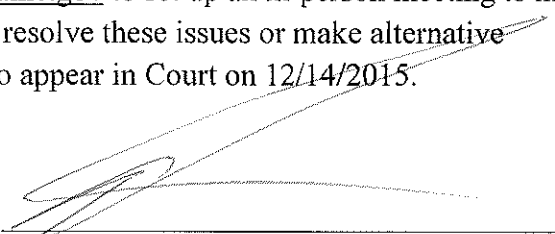
Cathleen Mahan  
Defendant

SUMMONS NUMBER: 354870

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 12/14/2015. Please 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 meet with somebody in the Fire Prevention Bureau to resolve these issues or make alternative arrangements to relieve you of the requirement to appear in Court on 12/14/2015.

Dated:

10/28/15



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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