

354480



December 14, 2015
MELLEN-SHERMAN CORP
189 ST JOHN ST
PORTLAND , ME 04102
CBL: 048 E012001
Located at 62 MELLEN 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.

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 'C. R. Messing'.

Portland Fire Department
Fire Prevention Bureau

**CITY OF PORTLAND
PORTLAND FIRE DEPARTMENT**

380 Congress Street
Portland, Maine 04101

Inspection Violations

Owner/Manager MELLEN-SHERMAN CORP		Inspector Daniel Dyer	Inspection Date 11/12/2015
Location 62 MELLEN ST	CBL 048 E012001	Status Failed	Inspection Type Fire Company-FP Routine Inspec

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) 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: SYSTEM NEEDS TO BE MONITORED AND INSPECTED.

3) 80.48

Violation: NFPA 101- TABLE 8.3.4.2 UNRATED WINDOWS ARE NOT PERMITTED IN EXIT STAIRS; FIRE WINDOW ASSEMBLIES ARE NOT PERMITTED IN VERTICAL SHAFTS (INCLUDING STAIRWAYS, EXITS, AND REFUSE CHUTES).

Notes: REAR STAIRWELL

4) 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:

5) 55.30

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:

Comments: Did not enter living units. Tenant from unit 1 stated that he had the required detectors in his unit.

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,

v.

Mellen-Sherman Corp
Defendant

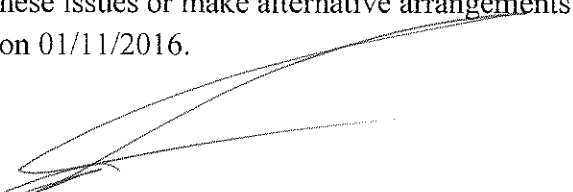
**FIRE PREVENTION AND PROTECTION
CODE VIOLATION**

(M.R. CIV. P. 80H AND 80k)

SUMMONS NUMBER: 354480

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 01/11/2016. Please contact Tori Ross in Fire Prevention at (207)-874-8400 or via e-mail at 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 01/11/2016.

Dated: 12/11/15



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