



Planning & Urban Development Department

April 24, 2015

KRIGMAN HARRY M
24 WILDWOOD DR
CAPE ELIZABETH, ME 04107

CERTIFIED MAIL: 70101870000281367209

CBL: 048 E017001
Located At: 563 CUMBERLAND AVE
RE: FIRE INCIDENT # 2015-004854

Notice of Violation/ Tenant Notification

Dear Mr. Krigman:

An evaluation of the above-referenced property with Officials from the City's Inspections and Fire Prevention Office on 04/23/2015 revealed that the structure fails to comply with § 6-108 (b), (c), (d) and (f) and § 6-116 (b), and (e) of the Housing Code of the City of Portland. Specifically, the damaged and decayed portions of the building and rear three (3) level exterior porches must be demolished, and or repaired in accordance with the City of Portland Building Code (MUBEC). Furthermore, the 1st through 3rd Floor rear (non-egress) porches must remain vacated and secured from tenant use.

The City is putting you on notice of existing Building and Life Safety (Fire) Code Violations observed at 563 Cumberland Ave. These violations require immediate correction. They are as follows:

The following conditions must be met:

1. The building's three exterior porches must remain totally vacated and properly secured from tenant use.
2. Submit a building permit electronically, for the demolition, or repair of the exterior porches and interior rear stairwell to the Building Inspections Office by 05/01/2015.
 - a. Note: The City is requiring the building Owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. The design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.



Planning & Urban Development Department

3. Follow all inspection requirements outlined in each permit issued by the City.
4. Immediately address the Life Safety (Fire) and Housing Code Violations identified on the attached Violation Notice.

No tenant(s) may occupy the exterior rear porches until further notice from the City. A re-evaluation of the property will occur on 05/08/2015.

The City's Corporation Counsel's Office has been alerted to the existence of this matter and if you do not remedy these issues as required by this Notice of Violation they will pursue legal action including civil penalties, as provided for in § 1-15 of the Portland City Code and in Title 30-A of M.R.S.A § 4452.

This letter constitutes a decision from which you may appeal pursuant to § 6-127 of the Portland City Code and Rule 80B of the Maine Rules of Civil Procedure.

If you have any questions, concerns or require emergency repair permits- please contact me at 207-874-8701.

Sincerely,

Jonathan Rioux
Deputy Director of Inspections

cc: Tenants of 563 Cumberland Avenue
Tammy Munson, Inspections Division Director
Adam Lee, Associate Corporation Counsel
Keith Gautreau, Acting Assistant Chief of Prevention and Community Outreach

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

April 24, 2015

Harry M Krigman
24 Wildwood Dr
Cape Elizabeth, ME 04107

NOTICE OF INTENT TO PROSECUTE

Dear Owner/Manager/Occupant,

An inspection of the property located at 563 Cumberland Ave on April 23, 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.

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 summons to either schedule a re-inspection or to submit a plan of action to correct these violations.

Sincerely,

Portland Fire Department
Fire Prevention Bureau

STATE OF MAINE

DISTRICT COURT
Location: Portland
Docket No.

CITY OF PORTLAND a body politic and)
Corporate, located in the County of)
Cumberland and State of Maine,)
)
)

Plaintiff,)

**FIRE PREVENTION AND PROTECTION
CODE VIOLATION**

v.)

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

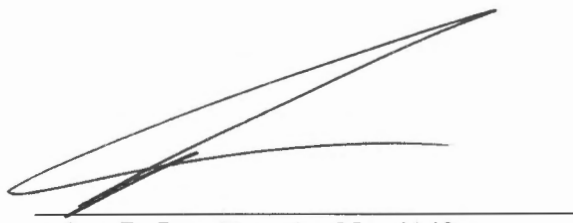
Harry M Krigman)

Defendant)

SUMMONS NUMBER: 353778

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 June 8, 2015. I strongly urge you to contact Victoria Meserve at Fire Prevention at (207)-874-8400 or via e-mail at 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 June 8, 2015.

Dated: 4/24/15



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

**CITY OF PORTLAND
PORTLAND FIRE DEPARTMENT**

380 Congress Street
Portland, Maine 04101

Inspection Violations

| | | | | | |
|---|--|------------------------------------|--|--|--|
| Owner/Manager Krigman Harry M | | Inspector Keith Gautreau | | Inspection Date 4/23/2015 | |
| Location 0563 CUMBERLAND A | | CBL 048 E017001 | | Status Failed | |
| | | | | Inspection Type Fire Prevention-FP Routine Inspe | |

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

1) 73.05

Violation: NFPA 101- 7.2.1.15.8 FIRE DOOR ASSEMBLY REQ REPAIR; DOOR OPENINGS NOT IN PROPER OPERATING CONDITION SHALL BE REPAIRED OR REPLACED WITHOUT DELAY.

Notes: FIRE DOOR REQUIRED FOR MECHANICAL ROOM IN BASEMENT.

2) 71.25

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: ONE SMOKE ALARM MISSING 1ST FLOOR APARTMENT.

3) 89.05

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

Notes: REMOVE REFRIGERATORS ON 1ST AND 2ND FLOOR HALLWAYS.

4) 3.011

Violation: NFPA 101- 31.3.2.1.1 BOILER PROTECTION REQUIRED; THE AREAS DESCRIBED IN TABLE 31.3.2.1.1 SHALL BE PROTECTED AS INDICATED:
BOILER AND FUEL-FIRED HEATER ROOMS SERVING MORE THAN A SINGLE DWELLING UNIT (MINIMUM SEPARATION/PROTECTION IS 1 HOUR OR SPRINKLERS)

Notes: SPRINKLER PROTECTION NEEDED OVER HOT WATER HEATERS IN BASEMENT.

Comments: Conducted an inspection with Inspection Division Deputy Director of the building after a fatal accident off the rear second floor deck.

CITY OF PORTLAND
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT

389 Congress Street
 Portland, Maine 04101

Inspection Violations

| | | | |
|---|---------------------------|------------------------------------|--|
| Owner/Manager KRIGMAN HARRY M | | Inspector Jonathan Rioux | Inspection Date 4/23/2015 |
| Location 563 CUMBERLAND AVE | CBL 048 E017001 | Status Violations Exist | Inspection Type Complaint-Inspection |

| Code | Int/Ext | Floor | Unit No. | Area | Compliance Date |
|-------------------|--|-------|----------|-------------------|-----------------|
| 1) 6-108.(b) | Interior | | | Stairways | |
| Violation: | INTERIOR FLOORS, WALLS, CEILINGS AND DOORS; EVERY FLOOR, WALL, CEILING, AND DOOR SHALL BE IN A STRUCTURALLY SOUND CONDITION AND IN GOOD REPAIR AND SHALL BE SUBSTANTIALLY VERMIN PROOF. | | | | |
| Notes: | Repair the decayed/ water damaged portions of the rear interior stairwell, and seal all through penetrations (with approved materials); a building permit is required. | | | | |
| 2) 6-108.(c) | | | | Various locations | |
| Violation: | EXTERIOR WINDOWS, DOORS AND SKYLIGHTS; Every window or door, including basement or cellar door and hatchway, and skylight shall be substantially weathertight, watertight, and vermin proof and shall be kept in sound working condition and good repair. | | | | |
| Notes: | Every exterior window shall include storm sash with screens or an alternative equally effective for heat retention and ventilation purposes, all in operable condition. Install and or replace all window screens. | | | | |
| 3) 6-108.(d) | Exterior | | | Porch | |
| Violation: | STAIRWAYS, STAIRWELLS, STAIRS AND PORCHES.; EVERY INSIDE AND OUTSIDE STAIRWAY, STAIRWELL, STAIRS, AND PORCH AND ANY APPURTENANCES THERETO SHALL BE STRUCTURALLY SOUND, IN GOOD REPAIR, AND SAFE TO USE. | | | | |
| Notes: | Submit a building permit application for the repair, and or demolition of the rear exterior porches. | | | | |
| 4) 6-108.(f) | Interior | | | Basement | |
| Violation: | REQUIRED EQUIPMENT AND UTILITIES; Every supplied facility, piece of equipment, or utility which is required under this article shall be so constructed and installed that it will function safely and effectively and shall be maintained in good working condition. | | | | |
| Notes: | Secure the electrical wiring and service entrance cable in the basement level, in compliance with the City's Electrical Code. | | | | |
| 5) 6-116.(b) | Interior | | | Hallway | |
| Violation: | EGRESS; EVERY DWELLING UNIT AND EVERY ROOMING UNIT SHALL HAVE SAFE, UNOBSTRUCTED MEANS OF EGRESS LEADING TO SAFE AND OPEN SPACES AT GROUND LEVEL IN ACCORDANCE WITH APPLICABLE STATUTES, REGULATIONS AND ORDINANCES. | | | | |
| Notes: | Remove all refrigerators and small appliances stored in the common hallway(s). | | | | |

CITY OF PORTLAND
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT
389 Congress Street
Portland, Maine 04101

Inspection Violations

| | | | |
|---|---------------------------|------------------------------------|--|
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| Location 563 CUMBERLAND AVE | CBL 048 E017001 | Status Violations Exist | Inspection Type Complaint-Inspection |

6) 6-116.(e) Interior Various locations

Violation: FIRE PROTECTION; Every dwelling, dwelling unit, rooming house and rooming unit shall comply with the applicable provisions of the most current edition of the National Fire Protection Association Life Safety Code, and with all other applicable state statutes and regulations.

Notes: Replace the three (3) Smoke and Carbon Monoxide Alarms removed in each apartment unit identified during our walk-through inspection, See Fire Prevention's Notice of Violation.

Comments:



LEGAL NOTICE



This notice is to inform you that this property known as 11- Unit located at 563 Cumberland Ave and having an owner of record as _____ has been found to have Life Safety/Building Code violations. The following categories of violations were noted:

FIRE PLUMBING _____ BUILDING CODE ELECTRICAL CODE _____

Please contact The City of Portland Inspections Divisions at 874-8703 to discuss the violations and the intention of the property owner regarding corrective measures.

Director of Inspections _____ Date 4/24/15
Fire Prevention Officer AK Keith Gauthier Date _____

City of Portland 389 Congress Street Room 315 Portland, Maine 04101 (207) 874-8703

CBL# 048 2017 FIRE INSPECTIONS H.T.E. # _____