

Portland, Maine



Yes. Life's good here.

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Corporation Counsel

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March 15, 2017

NOTICE OF INTENT TO PROSECUTE

To Whom it May Concern,

Please see the attached Notice of Violation and Order to Correct from the City of Portland Fire Prevention Bureau. The Fire Prevention Bureau has referred this matter to me for prosecution in the event that you do not complete and return the required plan of action by the date contained in the Notice of Violation. Your failure to comply will result in the issuance of a summons for you to appear in court, and the imposition of civil penalties in the minimum amount of \$100 per violation per day.

To date, the following violations are on record for 84 Carleton Street, Portland Maine:

- Fire Notice of Violation February 8, 1991
- Fire Notice of Violation September 20, 1996
- Planning and Development Notice of Violation July 2, 1997
- Fire Notice of Violation August 3, 2015
- Fire Notice of Violation March 15, 2017

Please contact the Fire Prevention Bureau at (207)874-8400 to resolve these outstanding violations. 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
FIRE PREVENTION BUREAU
380 Congress Street, Portland, Maine 04101
fireprevention@portlandmaine.gov
(207) 874-8400

NOTICE OF VIOLATION AND ORDER TO CORRECT

March 15, 2017

| | | | |
|---|--|--|--|
| Responsible Party 1: CARLETON STREET APARTMENTS LLC 84 Carleton Street Portland, ME 04101 | | Responsible Party 2: Carleton Street PO BOX 6816 Scarborough, ME 04070 | Responsible Part 3: MBP Properties PO BOX 2282 Scarborough, ME 04070 |
| Location 0084 CARLETON ST | CBL 054 G011001 | Inspection Date 3/6/2017 | |
| Inspector David Petrucci | Inspection Type FP Re-Inspection | Status Follow up Required | |

The City of Portland Fire Department inspected this property, and found the fire and life safety code violations listed below, which you are hereby ordered to correct. You must propose a date of completion to remedy each violation, a final date of completion, and a date of re-inspection.

You must send this form to the Fire Prevention Bureau no later than 3/30/2017.

Your failure to submit a plan of action by the date provided, or to correct any violation within the applicable time frame, may result in legal action against you, the imposition of civil penalties, and the pursuit of other legal remedies.

| Violation | Proposed Date of Completion |
|--|------------------------------------|
| NFPA 101- 31.3.1.1.1 VERTICAL OPENINGS NOT FIRE RATED; Vertical openings shall be enclosed or protected in accordance with Section 8.6. Top floor into attic/cockloft spaces | ___/___/___ |
| 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. | ___/___/___ |
| 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. | ___/___/___ |
| NFPA 70- ARTICLE 110 B CERTIFY ELECTRICAL SYSTEM; Listed or labeled equipment shall be installed and used in accordance with any instructions included in the listing or labeling. Entire electrical system needs to be looked at. New work appears tied to knob & tube | ___/___/___ |
| 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) over additional boilers in basement | ___/___/___ |

| Violation | Proposed Date of Completion |
|---|-----------------------------|
| NFPA 80- ANNEX D.4 1-HOUR FIRE DOORS ASSEMBLIES REQ; Listings are provided for floor fire door assemblies that are installed in fire-rated floor-ceiling or roof-ceiling assemblies that have been tested in accordance with the methods described in NFPA 288. The listing indicates the fire-rated assembly and the hourly rating (3 hours, 2 hours, 1.5 hours, 1 hour, .75 hours) for which the door can be permitted to be used so that access to the space above the ceiling or to the floor above can be provided without adversely affecting the fire resistance rating of the entire assembly. The listing provides limitations on the maximum size of an individual door opening and the total area of all door openings permitted for each 100 square feet of floor or ceiling. Each apartment into the shared egress | ____/____/____ |
| FINAL DATE OF COMPLETED VIOLATION(S) | ____/____/____ |
| FIRE PREVENTION BUREAU RE-INSPECTION OF COMPLETED VIOLATION(S) | ____/____/____ |

The Bureau reserves the right to reject or modify any proposed plan of action, and may require evidence of sufficient financial and technical capacity to complete the proposed plan. Please contact the Bureau with any questions.

VIOLATOR CERTIFICATION

I agree to remedy the violations listed within the timeframes provided. If I require additional time to comply, I understand that I must contact the Fire Prevention Bureau prior to the deadline to request an extension, which is entirely within the Bureau's discretion to grant or deny.

I further understand that it is my responsibility to schedule a reinspection of my property once the violations have been remedied to do so. My failure to schedule a reinspection shall be deemed an admission that the violations have not been remedied.

If I fail to comply with this agreement, I understand that I am liable for penalties pursuant to the City of Portland Code of Ordinances §§ 1-15 and 10-25, and 30-A M.R.S. § 4452 and may be subject to further legal action.

Date

Responsible Party

Date

Responsible Party

SEEN AND AGREED

Date

Fire Prevention Bureau