



Jerome F. LaMoria
Fire Chief, Fire Department

Portland Fire Department
Fire Prevention Bureau
380 Congress St
Portland, ME 04101

July 23, 2015

13 Dow LLC
96 Percy Hawkes Rd
Windham, ME 04062

NOTICE OF INTENT TO PROSECUTE

Dear Owner/Manager/Occupant,

An inspection of the property located at 13 Dow St on 07/22/2015 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 Reference to Court letter to either schedule a re-inspection or to submit a plan of action to correct these violations.

Sincerely,

Portland Fire Department
Fire Prevention Bureau

**CITY OF PORTLAND
PORTLAND FIRE DEPARTMENT**

380 Congress Street
Portland, Maine 04101

Inspection Violations

Owner/Manager 13 DOW LLC		Inspector Scott True	Inspection Date 7/22/2015
Location 13 DOW ST	CBL 055 D013001	Status Failed	Inspection Type Fire Company-FP Routine Inspec

Code	Int/Ext	Floor	Unit No.	Area	Compliance Date
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1) 80.52

Violation: NFPA 101- 7.2.8.6.2 FIRE ESCAPE REQUIRES REPAIR; THE AUTHORITY HAVING JURISDICTION SHALL BE PERMITTED TO APPROVE ANY EXISTING FIRE ESCAPE STAIR THAT HAS BEEN SHOWN BY LOAD TEST OR OTHER SATISFACTORY EVIDENCE TO HAVE ADEQUATE STRENGTH.

Notes: TWO OF THE TOP STAIRS ARE BOKEN

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: THIRD FLOOR HALL SMOKE DETECTOR NEEDS SERVICE

3) 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: FURNACE AND ALSO ON DEMAND HOT WATER

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.

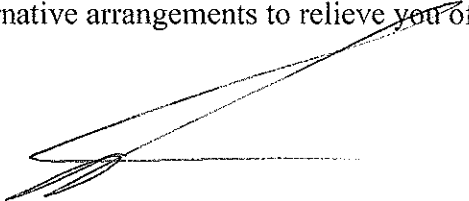
13 Dow LLC
Defendant

SUMMONS NUMBER: 353746

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 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 09/14/2015.

Dated:

8/5/15



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

353746

Law Enforcement Case No. Maine District Court

Docket No.

UNIFORM SUMMONS AND COMPLAINT

- CRIMINAL: ARREST BAIL \$ _____ NO. _____
- CIVIL VIOLATION FISHERIES AND WILDLIFE MARINE RESOURCES
- TRAFFIC VIOLATION FOREST SERVICE

State of Maine / Municipality of Portland v.

13 Dow LLC

Mailing Address: 96 Percy Hawkes Rd

City/Town Windham State ME Zip 04062

OPERATOR	LICENSE NUMBER		STATE	DATE OF BIRTH			
	HAIR	EYES	HEIGHT	WEIGHT	SEX	RACE	AGE
VEHICLE		REGISTRATION NUMBER		STATE			
<input type="checkbox"/> C.M.V. > 26,000 lbs. <input type="checkbox"/> HAZ. MAT. <input type="checkbox"/> BUS > 15 PASSENGERS		COLOR	YEAR	MAKE	BODY		
The defendant did commit the following offense on or about		MONTH	DAY	YEAR	AT	TIME	AT
RT / ST / PL		CITY/TOWN		DIV	CODE		

Speeding: Alleged _____ mph; Legal _____ mph. Radar VIOLATION (Title _____ Section/Ordinance _____) Viol. Code _____

NFPA 101 7.2.8.62 FIRE ESCAPE NEEDS REPAIR
101-31.3.2.1.1 BOILER PROTECTION
SMOKE ALARMS

Officer's name, printed PETRUCCELLI DAVID P
Date of service: 7/24/05
Dept. Portland FFB Troop _____ OFF. NO. 6

YOU ARE HEREBY DIRECTED TO APPEAR BEFORE THE MAINE DISTRICT COURT AT:
203 NEWBURY ST Portland 04101
STREET ADDRESS CITY/TOWN STATE ZIP
14 SEPT 2015 A.M./P.M. (207) COURT TELEPHONE NO.

I promise to appear in Maine District Court at the place, date, and time described above.
Signature _____ Date _____

STREET ADDRESS CITY/TOWN STATE ZIP
(MAILING ADDRESS IF DIFFERENT FROM ABOVE.)
Your signature does not constitute an admission or plea of guilty to the above violation(s). However, refusal to sign after having been ordered to do so by a law enforcement officer is a separate Class E crime for which you may be arrested.
The undersigned states that he/she has probable cause to believe and does believe that the person named above committed the violation set forth herein.
Signature _____ Dept. _____
Sworn to before me on _____ (Dep.) Clerk

FOR WAIVER DISPOSITION ONLY	
Date _____	Guilty/Offense committed _____
\$ _____	Signature (Dep.) Clerk _____
Fine Amt.	<input type="checkbox"/> Paid

COURT / PROSECUTOR