

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**

April 14, 2017

<b>Responsible Party 1:</b> 133-135 Emery Real Estate LLC 18 Dale Avenue Westbrook, ME 04092		<b>Responsible Party 2:</b> Victor Chau 18 Dale Ave Westbrook, ME 04092
<b>Location</b> 133 EMERY ST	<b>CBL</b> 056 A005001	<b>Inspection Date</b> 3/31/2017
<b>Inspector</b> Daniel Small	<b>Inspection Type</b> FP Routine Inspection	<b>Status</b> Failed

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 4/30/2017.**

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
<b>PORTLAND FIRE DEPARTMENT CHAPTER 10 SECTION 12 KNOX BOX REQUIRED;</b> Knox Boxes are required for all buildings with fire alarm or suppression systems. Can be used for both 133 and 135 Emery Street	___/___/___
<b>PORTLAND FIRE DEPARTMENT CHAPTER 10 4.6.1, 4.6.2 UNIT/SUITE NUMBERS NOT MARKED;</b> 4.6.1 Residential units shall be designated using numerals. 4.6.2 The first numeral of each residential unit shall be the floor designation. Apartments-both front and rear stairwells are not marked	___/___/___
<b>NFPA 101- 8.2.3 FIRE RATING NOT MAINTAINED;</b> The fire resistance of structural elements and building assemblies shall be determined in accordance with test procedures set forth in NFPA 251, ASTM E 119, ANSI/ UL 263, or other approved test methods, or analytical methods approved by the authority having jurisdiction. Materials used to construct fire resistance-rated elements and assemblies shall be limited to those permitted in this code. Plywood located in space over stairway that leads to attic	
<b>NFPA 101- 31.3.1.1.1 VERTICAL OPENINGS NOT FIRE RATED;</b> Vertical openings shall be enclosed or protected in accordance with Section 8.6. Front stair window drapes, plastic outlet covers, missing plaster	___/___/___
<b>NFPA 101- 7.5.1.1 EXIT OBSTRUCTED;</b> Where exits are not immediately accessible from an open floor area, continuous passageways, aisles, or corridors leading directly to every exit shall be maintained and shall be arranged to provide access for each occupant to not less than two exits by separate ways of travel, unless otherwise provided in 7.5.1.1.3 and 7.5.1.1.4. Bikes and other storage items in all exit stairways	IMMEDIATELY remove all obstructions from the exits. Your signature below indicates that all obstructions have been removed and will not be replaced.

Violation	Proposed Date of Completion
<p><b>NFPA 101- 7.2.1.8.1 FIRE DOORS MUST BE SELF- OR AUTO-CLOSING;</b> A door leaf normally required to be kept closed shall not be secured in the open position at any time and shall be self-closing or automatic-closing in accordance with 7.2.1.8.2, unless otherwise permitted by 7.2.1.8.3.</p> <p>All fire door self closing hinges must be adjusted to self close</p>	<p>___/___/___</p>
<p><b>NFPA 211- 9.5.1 CLEARANCE PROTECTION NOT PROVIDED;</b> Clearances from connectors to combustible material shall be in accordance with the requirements of 9.5.1.1 through 9.5.5.3 for both unprotected and protected installations.</p> <p>Candle on front stairway window sill must be removed</p>	
<p><b>NFPA 13 INCOMPLETE SPRINKLER COVERAGE;</b> Refer to NFPA 13.</p> <p>Sprinkler heads required - 6 gas fired heating units in basement</p>	<p>___/___/___</p>
<p><b>NFPA 101- 31.3.4.5.1 SMOKE ALARMS REQUIRED;</b> 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.</p> <p>Battery disconnected in second floor apartment</p>	<p>IMMEDIATELY install temporary alarms where required. Your signature below indicates that temporary alarms have already been installed.</p>
<p><b>NFPA 70 MISSING BOX COVERS;</b> Refer to NFPA 70, National Electrical Code, on standards for missing box covers.</p> <p>Basement</p>	<p>___/___/___</p>
<p><b>NFPA 101- 8.3.4.2 60 MINUTE FIRE DOOR REQUIRED;</b> Refer to NFPA 101- Table 8.3.4.2 that states fire door assemblies for vertical shafts (including stairways, exits, and refuse chutes) are rated and required for 1 hour.</p> <p>Basement door to stairwell is not fire rated</p>	<p>___/___/___</p>
<p><b>FINAL DATE OF COMPLETED VIOLATION(S)</b></p>	<p>___/___/___</p>
<p><b>FIRE PREVENTION BUREAU RE-INSPECTION OF COMPLETED VIOLATION(S)</b></p>	<p>___/___/___</p>

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