

## 53 West Street Condo Association

### *Via Mail and Email*

December 17, 2016

City of Portland  
Fire Prevention Bureau  
380 Congress Street  
Portland, Maine 04101

SUBJECT: December 8, 2016 NOV and Order to Correct

We received a November 26, 2016 notice of violation and order to correct (NOV) on December 15 (copy attached, Attachment 1). There are five condominium units at this address, which has been designated as a historic building in the City of Portland.

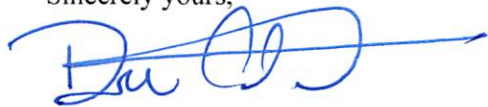
We believe your records will confirm, based on a previous inspection, that the Fire Department has approved use of a commercial fire alarm service in lieu of installing NFPA 101 door assemblies in each of the 53 West Street condo units. I'm attaching a copy of a recent invoice from our security and fire alarm service company, Cunningham Security Systems (Attachment 2).

Because we're already in compliance with the above fire alarm system requirements, we do not believe the "failure" status noted in the November 26 NOV is accurate. Note that I haven't executed the certification document, on behalf of our unit or the Association, because the Association has already complied with your Department's previous order and instruction.

If a department inspector would like to schedule a return visit to verify the operating status of our fire alarm system and smoke alarms, we would be happy to arrange for one of the condo owners to be available. We plan to call your 874-8400 number to schedule that appointment in the next month.

Thanks for giving this your attention.

Sincerely yours,



David Critchfield



Elizabeth Critchfield  
Unit #1 Co-owners

cc: Association members

### **Attachments:**

1. Notice of Violation
2. 53 West building fire alarm system documentation

**ATTACHMENT 1**

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**

December 8, 2016

<b>Responsible Party 1:</b> CRITCHFIELD DAVID H & ELIZABETH H 53 WEST ST # 1 PORTLAND, ME 04102		
<b>Location</b> 53 WEST ST	<b>CBL</b> 063 D010001	<b>Inspection Date</b> 11/26/2016
<b>Inspector</b> Edward Dexter, Jr.	<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 complete the proposed date of completion column by proposing a reasonable timeframe to remedy each violation. This form must be received by the Fire Prevention Bureau no later than 12/30/2016. 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.

**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- 8.3.4.2 60 MINUTE FIRE DOOR REQUIRED; 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. Unit doors to shared egress halls and stairs	___/___/___

**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

Portland, Maine



Yes. Life's good here.

Danielle P. West-Chuhta  
Corporation Counsel

Michael I. Goldman  
Associate Counsel

Anne M. Torregrossa  
Associate Counsel

Victoria E. Morales  
Associate Counsel

December 8, 2016

**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.

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

ATTACHMENT 2

Cunningham Security Systems  
 10 Princes Point Road  
 Yarmouth, ME 04096  
 207-846-3350 800-210-0257

JIM KEITHLY  
 53 WEST STREET, UNIT #3  
 PORTLAND, ME 04102

Tel: 207-773-2808 Fax:

INVOICE  
 Date 10/12/15  
 Page 1

Job Site:  
 53 WEST STREET CONDOMINIUMS  
 53 WEST STREET  
 PORTLAND, ME 04102

Account No Invoice No P.O Number Sales Person Please Pay This Amount

Qty	Part Number	Part Description	Price Each	Tax	Amount
3.00	63-3109	Smoke Detector & Labor	165.00	N	495.00

9/25/15: Performed annual fire alarm inspection and replaced three smoke detectors. System passed and a copy of the report was mailed with the invoices. City of Portland fire alarm inspection sticker applied at the annunciator.

Total Charges 495.00  
 Sales Tax 0.00  
 Total Due 495.00

THANK YOU FOR CHOOSING CUNNINGHAM SECURITY  
 ADD 1.5 % IF PAID AFTER 30 DAYS

Handwritten notes:  
 495.00  
 + 310.00  
 -----  
 785.00  
 PAID  
 CK# 1001  
 11/7/15