

CITY OF PORTLAND FIRE DEPARTMENT
 FIRE PREVENTION BUREAU
 380 Congress Street, Portland, Maine 04101
 fireprevention@portlandmaine.gov
 (207)874-8400

**NOTICE OF VIOLATION
 AND ORDER TO CORRECT**

August 1, 2016

Violator 1: 40 West Street, LLC 251 Danforth Street Portland, Maine 04102		Violator 2: Dan Hoffman 251 Danforth Street Portland, Maine 04102	
Location: 40 West Street	CBL: 063 H004001	Inspection Date: 7/25/16	
Inspector: Daniel Dyer	Inspection Type: Fire Company – FP Routine	Status: 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 plan of action column by proposing a reasonable timeframe to remedy each violation. This form must be received by the Fire Prevention Bureau no later than **August 15, 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 Plan of Action
1. NFPA 101- 7.2.1.8.1 FIRE DOOR(S) MUST SELF-CLOSE. 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. <i>Fire door at bottom of basement stairs must be self-closing.</i>	
2. NFPA 101- 31.3.7 FLOOR/ CEILINGS ASSEMBLY NOT SMOKE-TIGHT. In buildings other than those meeting the requirements of 31.3.7.1, 31.3.7.2, 31.3.7.3, 31.3.7.4, or 31.3.7.5, in addition to the following criteria to be met. <i>Make basement stairwell smoke tight.</i>	

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<p>3. NFPA 101- 7.2.2.5.1.1 EXIT STAIRS NOT SEPARATED. All inside stairs serving as an exit or exit component shall be enclosed in accordance with 7.1.3.2. <i>Enclose exit stairs as required.</i></p>	
<p>4. NFPA 101- 31.3.4.5.1 SMOKE ALARMS REQUIRED. In buildings other than those equipped throughout 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. <i>Smoke alarm missing in basement. Immediately install temporary alarm in basement and provide for full system installation.</i></p>	<p>IMMEDIATELY install temporary alarm in basement. Your signature below indicates that a temporary alarm has already been installed.</p> <p>Date of completion for full permanent installation:</p>
<p>5. 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. <i>Install fire-rated doors on all apartments.</i></p>	
<p>6. PORTLAND FIRE DEPARTMENT CHAPTER 10 SECTION 12 KNOX BOX REQUIRED. Knox boxes are required for all buildings with fire alarm or suppression. <i>Install Knox box.</i></p>	
<p>7. 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. <i>Building approved for 12 units – install fire alarm system.</i></p>	

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You may appeal this Notice of Violation and Order to Correct to the City of Portland Zoning Board of Appeals within ten business days of this decision, pursuant to the City of Portland Code of Ordinances § 10-23. Your failure to appeal may result in you being barred in the future from challenging the determinations of City of Portland Fire Prevention Bureau contained in this notice.

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. 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

Violator 1

Date

Violator 2

SEEN AND AGREED

Date

Fire Prevention Bureau