

354 880

Portland, Maine



Yes. Life's good here.

August 17, 2015

38-40 ALDER LLC Dan Hayes

2074 ERIC SHAEFER WAY

BALTIMORE, MD 21211

CBL: 033 C019001

Located at 38 ALDER ST

NOTICE OF INTENT TO PROSECUTE

Dear Owner/Manager/Occupant,

An inspection of the property located at the address referenced above 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,

A handwritten signature in cursive script that reads "A/C Kirk Santorum".

Portland Fire Department

Fire Prevention Bureau

**CITY OF PORTLAND
PORTLAND FIRE DEPARTMENT**

380 Congress Street
Portland, Maine 04101

Inspection Violations

Owner/Manager 38-40 ALDER LLC Dan Hayes		Inspector Chris Pirone	Inspection Date 8/14/2015
Location 38 ALDER ST	CBL 033 C019001	Status Failed	Inspection Type Fire Company-FP Routine Inspec

Code	Int/Ext	Floor	Unit No.	Area	Compliance Date
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1) 69.25

Violation: PORTLAND FIRE DEPARTMENT CHAPTER 10 4.6.1, 4.6.2 UNIT/SUITE NUMBERS NOT MARKED;
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.

Notes: DOORS TO REAR STAIRWELLS NEED TO BE LABELLED.

2) 80.16

Violation: NFPA 101-7.9.3 EMERGENCY LIGHTS REQUIRE MAINTENANCE; 7.9.3 Periodic Testing of
Emergency Equipment

7.9.3.1 Required emergency lighting systems shall be tested in accordance with one of the three
options offered by 7.9.3.1.1, 7.9.3.1.2, or 7.9.3.1.3.

7.9.3.1.1 Testing of required emergency lighting systems shall be permitted to be conducted as follows:

(1) Functional testing shall be conducted monthly with a minimum of 3 weeks and a maximum of 5
weeks between tests, for not less than 30 seconds, except as otherwise permitted by 7.9.3.1.1(2).

(2) The test interval shall be permitted to be extended beyond 30 days with the approval of the authority
having jurisdiction.

(3) Functional testing shall be conducted annually for a minimum 1-1/2 hours if the emergency lighting
system is battery powered.

(4) The emergency lighting equipment shall be fully operational for the duration of the test required by
7.9.3.1.1(1) and (3).

(5) Written records of visual inspections and tests shall be kept by the owner for inspection by the
authority having jurisdiction.

Notes: NOT WORKING.

3) 80.46

Violation: NFPA 101- 7.2.1.8.1 FIRE DOORS MUST BE SELF- OR AUTO-CLOSING; 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.

Notes: ALL APT. DOORS OTHER DOORS SUCH AS BASENT NEED TO BE SELF CLOSING

4) 81.35

Violation: NFPA 13 INCOMPLETE SPRINKLER COVERAGE; REFER TO NFPA 13

Notes: SPRINKLER SYSTEM IS NOT CODE COMPLIANT AS THERE WERE A COUPLE OF SPRINKLER
HEADS LOCATED IN HALL AND BY LAUNDRY ROOM.

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Inspection Violations

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5) 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: HOT WATER HEATERS NEED BOILER PROTECTION.

Comments: Laundry room on floor 1 by unit 3 does not meet code. It needs to be separated from egress hallway by 1 hr rating.

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.

38-40 Alder LLC Dan Hayes
Defendant

SUMMONS NUMBER: 354880

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:

8/19/15

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