

353 821

Portland, Maine



Yes. Life's good here.

August 3, 2015

WOODFORD HIGHLAND LLC

104 GRANT ST

PORTLAND, ME 04101

CBL: 123 F026001

Located at 278 WOODFORD ST

#### NOTICE OF INTENT TO PROSECUTE

Dear Owner/Manager/Occupant,

An inspection of the property located at the above referenced address on 07/30/2015 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](http://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**

<b>Owner/Manager</b> WOODFORD HIGHLAND LLC		<b>Inspector</b> Christopher Fleming	<b>Inspection Date</b> 7/30/2015
<b>Location</b> 278 WOODFORD ST	<b>CBL</b> 123 F026001	<b>Status</b> Failed	<b>Inspection Type</b> Fire Company-FP Routine Inspec

<b>Code</b>	<b>Int/Ext</b>	<b>Floor</b>	<b>Unit No.</b>	<b>Area</b>	<b>Compliance Date</b>
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1) 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:** EMERGENCY LIGHTS IN BASEMENT DID NOT FUNCTION W/ TEST.

**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,

v.

Woodford Highland LLC  
Defendant

**FIRE PREVENTION AND PROTECTION  
CODE VIOLATION**

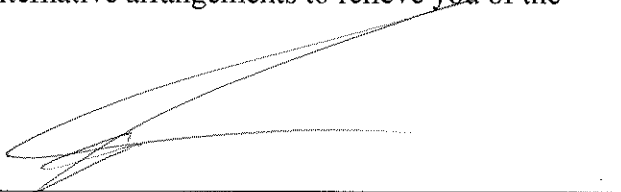
**(M.R. CIV. P. 80H AND 80k)**

SUMMONS NUMBER: 353821

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](mailto: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:

8/7/15



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

353821

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.

Woodford Highland LLC  
Last First Middle (Defendant)

Mailing Address: 104 Grant Street

City/Town Portland State ME Zip 04101

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.		COLOR		YEAR	MAKE	BODY	
<input type="checkbox"/> HAZ. MAT.							
<input type="checkbox"/> BUS > 15 PASSENGERS							
The defendant did commit the following offense on or about			MONTH	DAY	YEAR	AT	TIME
RT / ST / PL		CITY/TOWN			DIV	CODE	
<u>278 Woodfords</u>		<u>Portland</u>					

Speeding: Alleged \_\_\_\_\_ mph; Legal \_\_\_\_\_ mph.  Radar

VIOLATION (Title \_\_\_\_\_ Section/Ordinance \_\_\_\_\_) Viol. Code \_\_\_\_\_

NFPA 101-7.9.3

Officer's name, printed Cautrey Keith N  
Last First MI

Date of service: 8/6/15 Keith Cautrey  
Officer's signature

Dept. Fire Troop \_\_\_\_\_ OFF. NO. \_\_\_\_\_

**YOU ARE HEREBY DIRECTED TO APPEAR BEFORE THE MAINE DISTRICT COURT AT:**

STREET ADDRESS 205 Newbury Street CITY/TOWN Portland STATE \_\_\_\_\_ ZIP \_\_\_\_\_

DATE 9/14/15 TIME \_\_\_\_\_ 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 \_\_\_\_\_

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.	Fine Amt. _____
	<input type="checkbox"/> Paid

**COURT / PROSECUTOR**