



March 14, 2016

SULLIVAN JAMES DAVID

10 STEEPLEBUSH RD

CAPE ELIZABETH, ME 04107

CBL: 124 C014001

Located at 148 BEACON 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](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,

A handwritten signature in black ink, appearing to read "David P. Sullivan".

Portland Fire Department

Fire Prevention Bureau

**CITY OF PORTLAND  
PORTLAND FIRE DEPARTMENT**

380 Congress Street  
Portland, Maine 04101

**Inspection Violations**

<b>Owner/Manager</b> SULLIVAN JAMES DAVID		<b>Inspector</b> Christopher Goodall		<b>Inspection Date</b> 3/11/2016	
<b>Location</b> 148 BEACON ST	<b>CBL</b> 124 C014001	<b>Status</b> Failed		<b>Inspection Type</b> Fire Company-FP Routine Inspec	

Code	Int/Ext	Floor	Unit No.	Area	Compliance Date
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1) 73.20

**Violation:** 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.

**Notes:** REAR STAIRWELL ON 148, APARTMENT WALL PENETREATED BY DRYER VENT HOSE THAT EXTENDS THROUGH STAIRWELL AND OUT A WINDOW. VENT SHOULD BE DIRECTLY VENTED OUT THROUGH EXTERIOR WALL WITHIN THE APARTMENT.

2) 80.56

**Violation:** NFPA 101- 7.2.8.5.1 HANDRAILS REQUIRED ON STAIRS; ALL FIRE ESCAPE STAIRS SHALL HAVE WALLS OR GUARDS AND HANDRAILS ON BOTH SIDES IN ACCORDANCE WITH 7.2.8.4.1 (B).

**Notes:** REAR STAIRWELL OF 148

3) 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:** NEED SPRINKLER HEADS OVER GAS HOT WATER HEATERS IN BASEMENT, BOTH SIDES

4) 80.37

**Violation:** 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.

**Notes:** NEED FIRE DOORS FROM BASMENT (BOTH SIDES) TO INTERIOR HALLWAYS

**Comments:** 148 and 150 Beacon are the same building with a common basement. The separate inspection for 150 should be removed from Urban Insight.

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.

James Sullivan  
Defendant

**FIRE PREVENTION AND PROTECTION  
CODE VIOLATION**

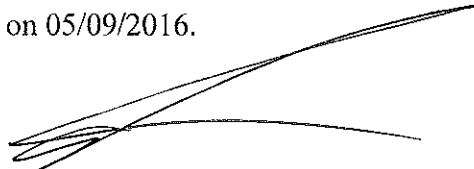
**(M.R. CIV. P. 80H AND 80k)**

SUMMONS NUMBER: 354535

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 05/09/2016. Please contact Tori Ross in 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 meet with somebody in the Fire Prevention Bureau to resolve these issues or make alternative arrangements to relieve you of the requirement to appear in Court on 05/09/2016.

Dated:

3/25/16



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