

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: Stephen E. Mardigan 460 Baxter Blvd. Portland, Maine 04103		
Location: 34 Vannah Ave.	CBL: 129 F013001	Inspection Date: 7/22/2016
Inspector: Brad James	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. CHAPTER 10 SEC. 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. <i>Label second floor apartments.</i>	
2. NFPA 101 - 31.3.1.1.1 VERTICAL OPENINGS NOT FIRE RATED. Vertical openings shall be enclosed or protected in accordance with section 8.6. <i>Provide rated separation between basement and first floor commercial store.</i>	
3. NFPA 101-7.9.3 EMERGENCY LIGHTS REQUIRE MAINTENANCE;	

The City of Portland Code of Ordinances is available online at www.portlandmaine.gov. Copies of NFPA 1 and NFPA 101 are available for review at the Fire Prevention Bureau or online at www.nfpa.org.

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<p>7.9.3 Periodic Testing of Emergency Equipment</p> <p>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.</p> <p>7.9.3.1.1 Testing of required emergency lighting systems shall be permitted to be conducted as follows:</p> <p>(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).</p> <p>(2) The test interval shall be permitted to be extended beyond 30 days with the approval of the authority having jurisdiction.</p> <p>(3) Functional testing shall be conducted annually for a minimum 1-1/2 hours if the emergency lighting system is battery powered.</p> <p>(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).</p> <p><i>Test and repair emergency lighting on first floor store near front and rear entrances.</i></p>	
<p>4. 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.</p> <p><i>Install self-closing hinges on second floor apartment doors.</i></p>	
<p>5. NFPA 101- 7.2.8.5.1 HANDRAILS REQUIRED ON STAIRS.</p> <p>All fire escape stairs shall have walls or guards and handrails on both sides in accordance with 7.2.8.4.1(B).</p> <p><i>Install hand rail on basement stairs and interior first floor rear stairs.</i></p>	
<p>6. NFPA 101- 31.3.3.2 INTERIOR FINISH FOR EXITS AND ENCLOSURES</p> <p>Interior wall and ceiling finish materials complying with 10.2 shall be permitted as follows: exit enclosures- class A or class B</p>	

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<p><i>Remove paneling on walls in only stairwell to second floor. 2nd means of egress is fire escapes.</i></p>	
<p>7. NFPA 10- 7.2.4.4 FIRE EXTINGUISHER INSPECTION TAG. Where manual inspections are conducted, records for manual inspections shall be kept on a tag or label attached to the fire extinguisher, on an inspection checklist maintained on file, or by an electronic method. <i>Have fire extinguisher in first floor store just inside main entrance inspected.</i></p>	
<p>8. NFPA 720- 5.5.6.1 CO ALARMS REQUIRED The performance, location, and mounting of notification appliances used to initiate or direct action, evacuation or relocation of the occupants, or for providing information to occupants or staff, shall comply with the requirements of Chapter 6. <i>Temporary CO alarms must be installed immediately in all apartments and basement. Install full system of hard-wired permanent CO alarms.</i></p>	<p>IMMEDIATELY install temporary alarm in each apartment. Your signature below indicates that temporary alarms have already been installed.</p> <p>Date of completion for full permanent installation:</p>
<p>9. NFPA 101- 7.2.1.8.1 DOORS SHALL BE SELF-CLOSING & SELF-LATCHING. 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 specified by 7.2.1.8.3. <i>Second floor apartment must have self-latching knob installed (may be modified with full inspection).</i></p>	
<p>10. 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 (may be modified with full inspection).</i></p>	
<p>11. NFPA 101- 4.6.13.1 FIRE INSPECTION REQUIRED; Whenever or wherever any device, equipment, system, condition, arrangement, level of protection, fire-resistive construction, or any other feature is required for</p>	<p>TWO WEEKS – Within two weeks of the date of this Notice, you must contact the Fire Prevention Bureau to</p>

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compliance with the provisions of this code, such device, equipment, system, condition, arrangement, level of protection, fire-resistive construction, or other feature shall thereafter be continuously maintained. Maintenance shall be provided in accordance with applicable NFPA requirements or requirements developed as part of a performance-based design, or as directed by the authority having jurisdiction. <i>Call Fire Prevention Bureau to schedule an inspection of all units.</i>	schedule a full inspection of the property.
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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

SEEN AND AGREED

Date

Fire Prevention Bureau