



May 11, 2016

Schwartz Donna L

85 Clinton St

Portland , ME 04103

CBL: 040 B007001

Located at 0038 PLEASANT 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 cursive script that reads "Capt. David Petrucci".

Portland Fire Department

Fire Prevention Bureau

**CITY OF PORTLAND  
PORTLAND FIRE DEPARTMENT**

380 Congress Street  
Portland, Maine 04101 # 354569

**Inspection Violations**

<b>Owner/Manager</b> Schwartz Donna L		<b>Inspector</b> Sean Donaghue		<b>Inspection Date</b> 5/10/2016	
<b>Location</b> 0038 PLEASANT ST		<b>CBL</b> 040 B007001		<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) 80.48

**Violation:** NFPA 101- TABLE 8.3.4.2 UNRATED WINDOWS ARE NOT PERMITTED IN EXIT STAIRS; FIRE WINDOW ASSEMBLIES ARE NOT PERMITTED IN VERTICAL SHAFTS (INCLUDING STAIRWAYS, EXITS, AND REFUSE CHUTES).

**Notes:** FIRST FLOOR, PLEASANT SIDE STAIRWELL TRANSOM WINDOW NOT FIRE RATED

2) 80.82

**Violation:** 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.

**Notes:** STAIRWELLS ARE CONNECTED BY A NON-FIRE RATED DOOR, INADEQUATE SEPERATION OF MEANS OF EGRESS.

3) 81.20

**Violation:** 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.

**Notes:** FIRST FLOOR EXTINGUISHER HAS NO TAG

4) 55.30

**Violation:** NFPA 101- 31.2.4.1 TWO EXITS REQUIRED ABOVE FIRST FLOOR; EVERY DWELLING UNIT SHALL HAVE ACCESS TO NOT LESS THAN TWO SEPARATE EXITS REMOTELY LOCATED FROM EACH OTHER AS REQUIRED BY 7.5.1.

**Notes:** DWELLING UNIT #3 APPEARS TO ONLY HAVE SINGLE MEANS OF EGRESS FROM THE THIRD FLOOR

5) 89.05

**Violation:** NFPA 1 EXCESSIVE/DISORDERLY STORAGE; REFERENCE NFPA 1 FOR EXCESSIVE FUEL-LOAD.

**Notes:** SECOND FLOOR, DANFORTH SIDE STAIRWELL. PLEASANT SIDE FIRST FLOOR ENTRY ROOM.

6) 91.30

**Violation:** NFPA 70 MISSING BREAKER IN PANEL; REFER TO NFPA 70, NATIONAL ELECTRICAL CODE, FOR INFORMATION ON MISSING BREAKERS IN AN ELECTRICAL PANEL.

**Notes:** OPEN SOCKET MISSING FUSE IN FUSE PANEL

7) 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:** NO FIRE DOORS PRESENT THROUGHOUT BUILDING, INCLUDING DOOR TO BASEMENT

**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.

Donna Schwartz  
Defendant

**FIRE PREVENTION AND PROTECTION  
CODE VIOLATION**

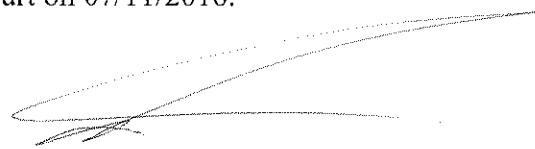
**(M.R. CIV. P. 80H AND 80k)**

SUMMONS NUMBER: 354569

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 07/11/2016. 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 07/11/2016.

Dated:

5/24/16



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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