



October 22, 2015

WINCELE ELLIOTT

113 GLENWOOD AVE

PORTLAND , ME 04103

CBL: 132 C001001

Located at 227 PLEASANT AVE

#### 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 "R. Flanagan", is written over a horizontal line.

Portland Fire Department

Fire Prevention Bureau

# 354869

# CITY OF PORTLAND PORTLAND FIRE DEPARTMENT

380 Congress Street  
Portland, Maine 04101

## Inspection Violations

<b>Owner/Manager</b> WINCELE ELLIOTT		<b>Inspector</b> John Brennan	<b>Inspection Date</b> 10/21/2015
<b>Location</b> 227 PLEASANT AVE	<b>CBL</b> 132 C001001	<b>Status</b> Failed	<b>Inspection Type</b> Fire Company-FP Routine Inspec

Code	Int/Ext	Floor	Unit No.	Area	Compliance Date
1) 69.25					
<b>Violation:</b>	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.				
<b>Notes:</b>	4.6.2 THE FIRST NUMERAL OF EACH RESIDENTIAL UNIT SHALL BE THE FLOOR DESIGNATION. ALL APARTMENT ENTRY DOORS (FRONT AND REAR) MUST BE LABELED WITH THE APPROPRIATE APARTMENT NUMBER OR LETTER.				
2) 80.56					
<b>Violation:</b>	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).				
<b>Notes:</b>	THE HANDRAILS ON BOTH THE FRONT AND REAR STAIRWELLS NEED REPAIR. BOTH STAIRWELLS HAVE HANDRAILS THAT ARE EXTREMELY LOOSE (REAR STAIRWELL) OR BROKEN (FRONT STAIRWELL).				
3) 80.80					
<b>Violation:</b>	NFPA 101- 7.5.1.1.1 SECOND EXIT REQUIRED; Where exits are not immediately accessible from an open floor area, continuous passageways, aisles, or corridors leading directly to every exit shall be maintained and shall be arranged to provide access for each occupant to no less than two exits by separate ways of travel, unless otherwise provided in 7.5.1.1.3 and 7.5.1.1.4.				
<b>Notes:</b>	THE FIRST FLOOR REAR APARTMENT (CARRIAGE HOUSE) HAS ONLY 1 EXIT DOOR. THE WINDOWS DO NOT MEET EGRESS STANDARDS.				
4) 55.05					
<b>Violation:</b>	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.				
<b>Notes:</b>	ALL APARTMENTS NEED TO HAVE CARBON MONOXIDE DETECTORS IN EACH UNIT.				
5) 55.25					
<b>Violation:</b>	NFPA 101- 31.3.4.5.1 SMOKE ALARMS REQUIRED; In buildings other than those equipped through out with an existing, complete automatic smoke detection system, smoke alarms shall be installed in accordance with 9.6.2.10, as modified by 31.3.4.5.2, outside every sleeping area in the immediate vicinity of the bedrooms and on all levels of the dwelling unit, including basements.				
<b>Notes:</b>	THE FRONT STAIRWELL SMOKE DETECTOR IS MISSING.				

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Portland, Maine 04101

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6) 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:** THIRD FLOOR APARTMENT ONLY HAS 1 WAY OUT.

7) 89.05

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

**Notes:** THE FRONT STAIRWELL HAS EXCESSIVE STORAGE/FIRE LOAD.

8) 89.15

**Violation:** NFPA 30- TABLE 9.6.2.1 FLAMMABLE/COMBUSTIBLE LIQUIDS STORAGE EXCEED LIMIT; SEE NFPA 30 TABLE 9.6.2.1 FOR SPECIAL OCCUPANCY LIMITS FOR FLAMMABLE AND COMBUSTIBLE LIQUID STORAGE.

**Notes:** SEVERAL GAS CANS ARE SCATTERED AROUND THE BASEMENT. TRASH AND RECYCABLES ARE BEING STORED ON THE PORCH OFF THE DRIVEWAY UNDER THE PORCH ROOF OVERHANG.

9) 91.15

**Violation:** NFPA 70- ARTICLE 110.12 B EXPOSED WIRING CONNECTIONS; Internal parts of electrical equipment, including busbars, wiring terminals, insulators, and other surfaces, shall not be damaged or contaminated by foreign materials such as paint, plaster, cleaners, abrasives, or corrosive residues. There shall be no damaged parts that may adversely affect safe operation or mechanical strength of the equipment such as parts that are broken; bent; cut; or deteriorated by corrosion, chemical reaction, or overheating.

**Notes:** ALL OLD WIRING IN THE BASEMENT NEEDS TO END IN AN ELECTRICAL BOX. IT CANNOT BE CUT AND LEFT HANGING FROM THE CEILING.

10) 91.50

**Violation:** NFPA 101- 16.5.2.2 UNVENTED FUEL-FIRED HEATER; UNVENTED FUEL-FIRED HEATING EQUIPMENT, OTHER THAN GAS SPACE HEATERS IN COMPLIANCE WITH NFPA 54, SHALL BE PROHIBITED.

**Notes:** REMOVE THE OLD OIL LINE THAT IS HANGING FROM THE CEILING IN THE BASEMENT.

11) 6.005

**Violation:** NFPA 70- 4.10.8 DEFECTIVE LIGHT FIXTURE; Luminaires shall be installed such that the connections between the luminaire conductors and the circuit conductors can be inspected without requiring the disconnection of any part of the wiring unless the luminaires are connected by attachment plugs and receptacles.

**Notes:** THERE IS NO WORKING LIGHTS IN THE FRONT STAIRWELL.

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12) 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:** THERE IS NOT A SPRINKLER HEAD ABOVE THE GAS FURNACE.

13) 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:** ALL APARTMENT ENTRY DOORS ARE REQUIRED TO BE FIRE RATED DOORS WITH SELF CLOSING HARDWARE. THE BASEMENT DOOR MUST ALSO BE A FIRE RATED DOOR WITH SELF CLOSER.

**Comments:** The building is listed as a 4 family however there are 5 apartment units. The third floor apartment is in the attic with only 1 way out.

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.

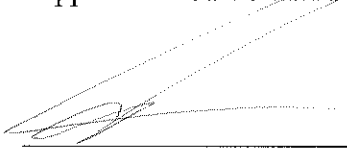
Elliott Wincele  
Defendant

SUMMONS NUMBER: 354869

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 12/14/2015. Please 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 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 12/14/2015.

Dated:

10/28/15



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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