

Portland, Maine



Yes. Life's good here.

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Corporation Counsel

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July 14, 2016

**NOTICE OF INTENT TO PROSECUTE**

Geoffrey I. Rice  
657 Congress Street, 1<sup>st</sup> Floor  
Portland, Maine 04101

RE: 197 Pleasant Avenue  
CBL132 J001001

To Whom it May Concern,

Please see the attached Inspection Violations. The City of Portland Fire Department has referred this matter to me for prosecution. In order to avoid prosecution, you must submit to Fire Prevention Bureau a plan of action to remedy the violations no later than **July 29, 2016**.

**YOUR FAILURE TO SUBMIT A PLAN OF ACTION  
WITHIN THE TIMEFRAME PROVIDED WILL RESULT IN  
LEGAL ACTION AND THE IMPOSITION OF CIVIL PENALTIES.**

Please feel free to contact Tori Ross of the Fire Prevention Bureau at (207)874-8400 with any questions. I look forward to your anticipated cooperation and appreciate your efforts to help keep the citizens of Portland safe.

Sincerely,

Anne M. Torregrossa  
Associate Corporation Counsel  
City of Portland

**CITY OF PORTLAND  
PORTLAND FIRE DEPARTMENT**

380 Congress Street  
Portland, Maine 04101

**Inspection Violations**

<b>Owner/Manager</b> RICE GEOFFREY I		<b>Inspector</b> Christopher Champagne	<b>Inspection Date</b> 7/5/2016
<b>Location</b> 197 PLEASANT AVE	<b>CBL</b> 132 J001001	<b>Status</b> Failed	<b>Inspection Type</b> Fire Company-FP Routine Inspec

Code	Int/Ext	Floor	Unit No.	Area	Compliance Date
1) 9.002		Interior			
<b>Violation:</b>	NFPA 80- ANNEX D.4 1-HOUR FIRE DOORS ASSEMBLIES REQ; Listings are provided for floor fire door assemblies that are installed in fire-rated floor-ceiling or roof-ceiling assemblies that have been tested in accordance with the methods described in NFPA 288. The listing indicates the fire-rated assembly and the hourly rating (3 hours, 2 hours, 1.5 hours, 1 hour, .75 hours) for which the door can be permitted to be used so that access to the space above the ceiling or to the floor above can be provided without adversely affecting the fire resistance rating of the entire assembly. The listing provides limitations on the maximum size of an individual door opening and the total area of all door openings permitted for each 100 square feet of floor or ceiling.				
<b>Notes:</b>	1-HOUR FIRE DOORS ASSEMBLIES REQUIRED--FIRE DOORS ON ALL UNITS AND ENTRIES TO BASEMENTS NEED TO BE 1 HOUR FIRE RATED DOORS WITH SELF CLOSING HINDGES.				
2) 6.002		Interior		Basement	
<b>Violation:</b>	NFPA 70- ARTICLE 314.28 OPEN ELECTRICAL JUNCTION BOX; BOXES AND CONDUIT BODIES USED AS PULL OR JUNCTION BOXES SHALL COMPLY WITH 314.28 (A) THROUGH (D).				
<b>Notes:</b>	ELECTRICAL COVERS IN BASEMENT---ALL OPEN WIRES NEED TO TERMINATE IN JUNCTION BOX OR BE REMOVED IF NOT IN SERVICE. VIOLATION THROUGHOUT BOTH BASEMENT AREAS.				
3) 55.530		Interior			
<b>Violation:</b>	CITY OF PORTLAND RULES AND REGS- CHAPTER 4.6 LABEL UNIT DOORS; Commercial suites shall be designated as approved by the FD. In single floor buildings letter designations shall be acceptable.				
	4.6.1 Residential units shall be designated using numericals.				
	4.6.2 The first numerical of each residential unit shall be the floor designation.				
	4.6.3 In single floor buildings the floor designation shall be omitted.				
<b>Notes:</b>	LABEL UNIT DOORS---LABEL UNIT DOORS, SOME DOORS MISSING NUMBERS. ALSO NEED CONTRASTING NUMBER ON EXTERIOR DOOR TO IDENTIFY DWELLING FROM STREET.				
4) 55.390		Interior			
<b>Violation:</b>	DO NOT USE				
<b>Notes:</b>	SPRINKLER HEAD REQUIRED OVER BOILER IN BASEMENT AND ALSO GAS FIRED HOT WATER HEATERS.				

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- 5) 55.125 Interior  
**Violation:** NFPA 101- 31.3.6.3.1 REPAIR CORRIDOR WALLS; UNPROTECTED OPENINGS, OTHER THAN THOSE FROM SPACES COMPLYING WITH 31.3.6.3.2, SHALL BE PROHIBITED IN EXIT ACCESS CORRIDOR WALLS AND DOORS.  
**Notes:** REPAIR CORRIDOR WALLS---HOLES IN BASEMENT STAIRS, FILL CHASES IN BASEMENT, HOLE IN MOP ROOM CLOSET IN FIRST FLOOR HALLWAY.
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- 6) 55.040 Interior  
**Violation:** NFPA 101- 31.3.1.1 VERTICAL OPENING VIOLATIONS; VERTICAL OPENINGS SHALL COMPLY WITH 31.3.1.1.1 THROUGH 31.3.1.2.  
**Notes:** VERTICLE OPENING VIOLATION--1 HOUR FIRST SEPERATION NEEDED BETWEEN 1ST AND 2ND FLOOR HALLWAYS.
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- 7) 55.140 Interior Laundry Room  
**Violation:** DO NOT USE  
**Notes:** LAUNDRY ROOM ON 2ND FLOOR NEEDS 1 HOUR SEPERATION FROM MEANS OF EGRESS
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- 8) 1.130  
**Violation:** NFPA 101- 4.5.3.4 MEANS OF EGRESS SHALL BE ILLUMINATED; LIGHTING: WHERE ARTIFICAL ILLUMINATION IS NEEDED IN A BUILDING OR STRUCTURE, EGRESS FACILITIES SHALL BE INCLUDED IN THE LIGHTING DESIGN.  
**Notes:** EXIT SIGNS SHALL BE CONTINUOUSLY ILLUMINATED AND USE AN EMERGENCY LIGHTING SOURCE. HALLWAYS WILL HAVE ADEQUATE ILLUMINATION AT ALL TIMES.
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- 9) 55.162  
**Violation:** CITY ORDINANCE HARDWIRED SMOKE DETECTORS REQUIRED; New smoke alarms shall be powered in accordance with NFPA 72. Where available options include:  
     Hardwired with battery back up  
     A non-rechargeable, non-replaceable primary battery that is capable of operating the device for at least 10 years  
  
 Existing smoke alarms shall be hardwired and replaced every 10 years with smoke alarms complying with the above notes.  
  
 All new smoke alarms shall be photoelectric.  
**Notes:** HARDWIRED, PHOTOELECTRIC SMOKE ALARMS WITH BATTERY BACK UP REQ IN EACH SLEEPING ROOM, IMMEDIATELY OUTSIDE OF THE SLEEPING ROOMS AND WITHIN 21 FEET AND ON EACH LEVEL WITH IN THEDWELLING UNIT. ALARMS MUST BE INTERCONNECTED WITHIN THE INDIVIDUAL DWELLING UNIT.

**Comments:**