

#353818

Portland, Maine



Yes. Life's good here.

Jerome F. LaMoria
Fire Chief, Fire Department

Portland Fire Department
Fire Prevention Bureau
380 Congress St
Portland, ME 04101

July 7, 2015

John L. Murphy
6 Willard St
South Portland, ME 04106

NOTICE OF INTENT TO PROSECUTE

Dear Owner/Manager/Occupant,

An inspection of the property located at 528 Stevens Ave on 07/07/2015 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.

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,

Portland Fire Department
Fire Prevention Bureau

**CITY OF PORTLAND
PORTLAND FIRE DEPARTMENT**

380 Congress Street
Portland, Maine 04101

Inspection Violations

Owner/Manager MURPHY JOHN L		Inspector Christopher Goodall	Inspection Date 7/7/2015
Location 528 STEVENS AVE	CBL 135 E002001	Status Failed	Inspection Type Fire Company-FP Routine Inspec

Code	Int/Ext	Floor	Unit No.	Area	Compliance Date
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1) 73.05
Violation: NFPA 101- 7.2.1.15.8 FIRE DOOR ASSEMBLY REQ REPAIR; DOOR OPENINGS NOT IN PROPER OPERATING CONDITION SHALL BE REPAIRED OR REPLACED WITHOUT DELAY.
Notes: FIRE DOORS NEED TO BE INSTALLED IN FRONT HALLWAY

2) 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: HOLES IN CEILING FINISH, REAR STAIRWELL. HOLES IN FIRST FLOOR APARTMENT CEILING.

3) 80.52
Violation: NFPA 101- 7.2.8.6.2 FIRE ESCAPE REQUIRES REPAIR; THE AUHOTIRY HAVING JURISDICTION SHALL BE PERMITTED TO APPROVE ANY EXISTING FIRE ESCAPE STAIR THAT HAS BEEN SHOWN BY LOAD TEST OR OTHER SATISFACTORY EVIDENCE TO HAVE ADEQUATE STRENGTH.
Notes: LADDER FOR 3RD FLOOR 2ND MEANS OF EGRESS UNSAFE

4) 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: FRONT HALLWAY

5) 80.80
Violation: 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.
Notes: 3RD FLOOR APARTMENT - NO SAFE SECONDARY EXIT

6) 71.25
Violation: SMOKE ALARMS REQUIRED
Notes: SMOKE DETECTOR MISSING UNIT 1

7) 71.30
Violation: TWO EXITS REQUIRED ABOVE FIRST FLOOR
Notes: 3RD FLOOR APARTMENT DOES NOT HAVE VIABLE SAFE EXIT

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Inspection Violations

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Location 528 STEVENS AVE	CBL 135 E002001	Status Failed	Inspection Type Fire Company-FP Routine Inspec

8) 89.05

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

Notes: STORAGE OF ITEMS IN FRONT OF ELECTRICAL PANELS BLOCKING ACCESS

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: KNOB AND TUBE WIRING WITH ELIMINATED RUNS - WIRE NUTS AND ELECTRICAL TAPE COVERED

10) 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: OPENING IN COVER OF BREAKER PANEL

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.

John L Murphy
Defendant

**FIRE PREVENTION AND PROTECTION
CODE VIOLATION**

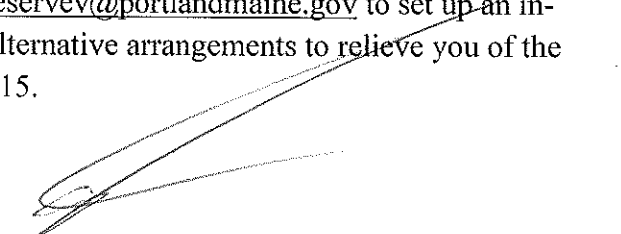
(M.R. CIV. P. 80H AND 80k)

SUMMONS NUMBER: 353818

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 August 10, 2015. I strongly urge you to contact Victoria Meserve at Fire Prevention at (207)-874-8400 or via e-mail at meservev@portlandmaine.gov to set up an in-person meeting to resolve these issues or make alternative arrangements to relieve you of the requirement to appear in Court on August 10, 2015.

Dated:

7/9/15


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