

354894

Portland, Maine



Yes. Life's good here.

August 26, 2015

Php On Walton Llc

Po Box 610

Standish, ME 04084

CBL: 138 D006001

Located at 68 Walton

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.

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 "A/C Keith Gauthier".

Portland Fire Department

Fire Prevention Bureau

**CITY OF PORTLAND
PORTLAND FIRE DEPARTMENT**

380 Congress Street
Portland, Maine 04101

Inspection Violations

Owner/Manager Php On Walton Llc		Inspector Steven Hall	Inspection Date 8/25/2015
Location 68 Walton	CBL 138 D006001	Status Failed	Inspection Type Fire Company-FP Routine Inspec

Code	Int/Ext	Floor	Unit No.	Area	Compliance Date
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 DOOR REQUIRED GOING INTO THE FIRST FLOOR APT. AND STAIRWELL				
2) 55.05					
Violation:	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.				
Notes:	CO ALARM NEEDED IN THE BASEMENT				
3) 55.25					
Violation:	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.				
Notes:	NEED SMOKE DETECTOR ON THE THIRD FLOOR				
4) 89.05					
Violation:	NFPA 1- EXCESSIVE/DISORDERLY STORAGE; REFERENCE NFPA 1 FOR EXCESSIVE FUEL-LOAD.				
Notes:	NEED 3 FT. CLEAR AREA AROUND ELECTRICAL PANELS				
5) 91.20					
Violation:	NFPA 70- 590.6 EXTENSION CORDS; Ground-fault protection for personnel for all temporary wiring installations shall be provided to comply with 590.6(A) and (B). This section shall apply only to temporary wiring installations used to supply temporary power to equipment used by personnel during construction, remodeling, maintenance, repair, or demolition of buildings, structures, equipment, or similar activities.				
Notes:	DROP LIGHT BEING USED AS A PERMANENT OUTDOOR LIGHT				
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:	NEED FILLERS IN PANEL				

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PORTLAND FIRE DEPARTMENT**

380 Congress Street
Portland, Maine 04101

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Owner/Manager Php On Walton Llc		Inspector Steven Hall	Inspection Date 8/25/2015
Location 68 Walton	CBL 138 D006001	Status Failed	Inspection Type Fire Company-FP Routine Inspec

7) 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: NEED SPRINKLER OVER THE GAS WATER HEATER

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.

Php On Walton LLC
Defendant


**FIRE PREVENTION AND PROTECTION
CODE VIOLATION**

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

SUMMONS NUMBER: 354894

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 11/09/2015. I strongly urge you to contact Tori 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 11/09/2015.

Dated: 8/31/15



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