

Portland, Maine



Yes. Life's good here.

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November 15, 2016

**NOTICE OF INTENT TO PROSECUTE**

To Whom it May Concern,

Please see the attached Notice of Violation and Order to Correct from the City of Portland Fire Prevention Bureau. The Fire Prevention Bureau has referred this matter to me for prosecution in the event that you do not complete and return the required plan of action by the date contained in the Notice of Violation. Your failure to comply will result in the issuance of a summons for you to appear in court, and the imposition of civil penalties in the minimum amount of \$100 per violation per day.

Please contact the Fire Prevention Bureau at (207)874-8400 to resolve these outstanding violations. I look forward to your anticipated cooperation and appreciate your efforts to help keep the citizens of Portland safe.

Sincerely,

A handwritten signature in blue ink that reads 'Anne M. Torregrossa'. The signature is written in a cursive style.

Anne M. Torregrossa  
Associate Corporation Counsel  
City of Portland

CITY OF PORTLAND  
 FIRE PREVENTION BUREAU  
 380 Congress Street, Portland, Maine 04101  
 fireprevention@portlandmaine.gov  
 (207) 874-8400

**NOTICE OF VIOLATION AND ORDER TO CORRECT**

November 15, 2016

<b>Responsible Party 1:</b> WEARE RICHARD E TRUSTEE PO BOX 741 PORTLAND , ME 04104		
<b>Location</b> 644 WASHINGTON AVE	<b>CBL</b> 167 D004001	<b>Inspection Date</b> 11/5/2016
<b>Inspector</b> Mark Stewart	<b>Inspection Type</b> FP Routine Inspection	<b>Status</b> Failed

The City of Portland Fire Department inspected this property, and found the fire and life safety code violations listed below, which you are hereby ordered to correct. You must complete the proposed date of completion column by proposing a reasonable timeframe to remedy each violation. This form must be received by the Fire Prevention Bureau no later than 11/30/2016. The Bureau reserves the right to reject or modify any proposed plan of action, and may require evidence of sufficient financial and technical capacity to complete the proposed plan. Please contact the Bureau with any questions.

**YOUR FAILURE TO SUBMIT A PLAN OF ACTION BY THE DATE PROVIDED, OR TO CORRECT ANY VIOLATION WITHIN THE APPLICABLE TIME FRAME, MAY RESULT IN LEGAL ACTION AGAINST YOU, THE IMPOSITION OF CIVIL PENALTIES, AND THE PURSUIT OF OTHER LEGAL REMEDIES.**

Violation	Proposed Date of Completion
<b>PORTLAND FIRE DEPARTMENT CHAPTER 10 4.6.1, 4.6.2 UNIT/SUITE NUMBERS NOT MARKED;</b> 4.6.1 Residential units shall be designated using numerals. 4.6.2 The first numeral of each residential unit shall be the floor designation. No unit numbers displayed.	___/___/___
<b>NFPA 101- 7.1.3.2.1 60-MIN FIRE DOOR ASSEMBLIES REQ;</b> The separation shall have a minimum 1-hour fire resistance rating where the exit connects three or fewer stories. Need Fire Door to basement in rear stairwell.	
<b>NFPA 101-7.2.4.3.1 FIRE BARRIER REQUIRES MAINTENANCE;</b> Fire barriers separating buildings or areas between which there are horizontal exits shall have a minimum 2-hour fire resistance rating, unless otherwise provided in 7.2.4.4.1, and shall provide a separation that is continuous to the finished grounded level. Front stairway first floor ceiling needs repair. Third floor front apartment wall needs to be taped and mudded.	___/___/___
<b>NFPA 101- 31.3.1.1.1 VERTICAL OPENINGS NOT FIRE RATED;</b> Vertical openings shall be enclosed or protected in accordance with Section 8.6. Front stairway missing sheetrock in multiple area/floors.	___/___/___
<b>NFPA 101- 31.3.7 FLOOR/ CEILINGS ASSEMBLY NOT SMOKE-TIGHT;</b> 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. Ceiling of third floor front stairway needs sheetrock (open to roof)	___/___/___

Violation	Proposed Date of Completion
<b>NFPA 101- 7.2.8.5.1 HANDRAILS REQUIRED ON STAIRS;</b> All fire escape stairs shall have walls or guards and handrails on both sides in accordance with 7.2.8.4.1 (b). Handrail on stairs to third floor needs repair.	___ / ___ / ___
<b>NFPA 101- 7.5.1.1.1 SECOND EXIT REQUIRED;</b> 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. Unit 4 requires 2nd exit.	___ / ___ / ___
<b>NFPA 101- 7.2.2.1.1 STAIRS REQUIRE REPAIR;</b> Stairs shall meet the following criteria: (1) New stairs shall be in accordance with Table 7.2.2.2.1.1(a) (2) Existing stairs shall be permitted to remain in use, provided that they meet the requirements for existing stairs shown in Table 7.2.2.2.1.1(b) (3) Approved existing stairs shall be permitted to be rebuilt in accordance with the following: (a) dimensional criteria of table 7.2.2.2.1.1(b) and other stair requirements of 7.2.2 (4) The requirements for new and existing stairs shall not apply to stairs located in industrial equipment access areas where otherwise provided in 40.2.5.2. Stairs to third floor unsafe.	___ / ___ / ___
<b>NFPA 101- 31.3.4.5.1 SMOKE ALARMS REQUIRED;</b> 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. No smoke detectors in hallways/stairways and basement.	IMMEDIATELY install temporary alarms where required. Your signature below indicates that temporary alarms have already been installed.
<b>NFPA 1 EXCESSIVE/DISORDERLY STORAGE;</b> Reference NFPA 1 for excessive fuel-load. Storage/debris in halls and stairways.	___ / ___ / ___

**VIOLATOR CERTIFICATION**

I agree to remedy the violations listed within the timeframes provided. If I require additional time to comply, I understand that I must contact the Fire Prevention Bureau prior to the deadline to request an extension, which is entirely within the Bureau’s discretion to grant or deny.

I further understand that it is my responsibility to schedule a reinspection of my property once the violations have been remedied to do so. My failure to schedule a reinspection shall be deemed an admission that the violations have not been remedied.

If I fail to comply with this agreement, I understand that I am liable for penalties pursuant to the City of Portland Code of Ordinances §§ 1-15 and 10-25, and 30-A M.R.S. § 4452 and may be subject to further legal action.

\_\_\_\_\_ Date

\_\_\_\_\_ Responsible Party

\_\_\_\_\_ Date

\_\_\_\_\_ Responsible Party

**SEEN AND AGREED**

\_\_\_\_\_ Date

\_\_\_\_\_ Fire Prevention Bureau