

Portland, Maine



Yes. Life's good here.

Danielle P. West-Chuhta  
Corporation Counsel

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Associate Counsel

Victoria E. Morales  
Associate Counsel

November 4, 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 4, 2016

<b>Responsible Party 1:</b> Smith Michael J 6491 ALLISON RD MIAMI, FL 33141		<b>Responsible Party 2:</b> Auger Gina 51 Oakland Ave Westbrook ME 04092
<b>Location</b> 92 E KIDDER ST	<b>CBL</b> 169 C005001	<b>Inspection Date</b> 10/24/2016
<b>Inspector</b> Brad James	<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.**

<b>Violation</b>	<b>Proposed Date of Completion</b>
<b>NFPA 101- 7.2.1.8.1 FIRE DOORS MUST BE SELF- OR AUTO-CLOSING;</b> A door leaf normally required to be kept closed shall not be secured in the open position at any time and shall be self-closing or automatic-closing in accordance with 7.2.1.8.2, unless otherwise permitted by 7.2.1.8.3. All apartment doors.	___/___/___
<b>NFPA 101- TABLE 8.3.4.2 UNRATED WINDOWS ARE NOT PERMITTED IN EXIT STAIRS;</b> Fire window assemblies are not permitted in vertical shafts (including stairways, exits, and refuse chutes). 1st floor in stairwell on right side of building.	___/___/___
<b>NFPA 101- 7.2.2.5.1.1 EXIT STAIRS NOT SEPARATED.;</b> All inside stairs serving as an exit or exit component shall be enclosed in accordance with 7.1.3.2. Stairwell on right hand side of building.	___/___/___
<b>NFPA 70- ARTICLE 110.12 B EXPOSED WIRING CONNECTIONS;</b> 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. Basement	___/___/___
<b>NFPA 70 MISSING BOX COVERS;</b> Refer to NFPA 70, National Electrical Code, on standards for missing box covers. Basement	___/___/___

Violation	Proposed Date of Completion
<b>NFPA 101- 31.3.2.1.1 BOILER PROTECTION REQUIRED;</b> 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) Over all heating devices including 3 dryers in basement.	___ / ___ / ___
<b>NFPA 101- 8.3.4.2 60 MINUTE FIRE DOOR REQUIRED;</b> 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. All apartment doors.	___ / ___ / ___

**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