

Portland, Maine



Yes. Life's good here.

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December 1, 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

December 1, 2016

Responsible Party 1: Estate of RANDALL F STEARNS 107 Crestview Drive Portland, ME 04103		Responsible Party 2: Lohmeyer Rhonda 102 Woodfield Rd Portland, ME 04102
Location 416 BRIGHTON AVE	CBL 177 I002001	Inspection Date 11/16/2016
Inspector John Brennan	Inspection Type FP Routine Inspection	Status 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 12/30/2016. 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
PORTLAND FIRE DEPARTMENT CHAPTER 10 4.6.1, 4.6.2 UNIT/SUITE NUMBERS NOT MARKED; 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. All apartment doors must be labeled with the appropriate apartment number.	___/___/___
NFPA 101- 7.5.1.1 EXIT OBSTRUCTED; 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 not less than two exits by separate ways of travel, unless otherwise provided in 7.5.1.1.3 and 7.5.1.1.4. The second floor of the rear fire escape has storage partially blocking egress. The front stairwell on the second floor is being used for air conditioner storage. Remove all items from the fire escape.	IMMEDIATELY remove all obstructions from the exits. Your signature below indicates that all obstructions have been removed and will not be replaced.
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. The existing smoke detector near the washer and dryer in the basement needs the battery replaced as it was beeping "low battery". All smoke and carbon monoxide detectors should have their batteries replaced twice a year.	IMMEDIATELY install temporary alarms where required. Your signature below indicates that temporary alarms have already been installed.
NFPA 1 EXCESSIVE/DISORDERLY STORAGE; Reference NFPA 1 for excessive fuel-load. The area around the dryer has excessive lint build up covering wires, the units and the floor. The dryer vent needs replacement.	___/___/___

Violation	Proposed Date of Completion
<p>NFPA 30- TABLE 9.6.2.1 FLAMMABLE/COMBUSTIBLE LIQUIDS STORAGE EXCEED LIMIT; See NFPA 30 Table 9.6.2.1 for special occupancy limits for flammable and combustible liquid storage. There are 10 paint cans stacked on the second floor landing of the front stairwell.</p>	<p>IMMEDIATELY remove all excess flammable/combustible material from the interior of the structure. Your signature below indicates that all excess material has been removed, will not be replaced, and will be properly disposed of or stored elsewhere.</p>
<p>NFPA 70- ARTICLE 110 B CERTIFY ELECTRICAL SYSTEM; Listed or labeled equipment shall be installed and used in accordance with any instructions included in the listing or labeling. Entire electrical system needs to be looked at. Do to the numerous electrical wiring issues in the basement, please have the electrical system certified by a licensed master electrician.</p>	<p>___ / ___ / ___</p>
<p>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. There are exposed wires coming out of the water heaters and several other areas in the basement.</p>	<p>___ / ___ / ___</p>
<p>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. Remove the extension cord that is being used to power the sump pump and install the appropriate outlet.</p>	<p>___ / ___ / ___</p>
<p>NFPA 70 MISSING BOX COVERS; Refer to NFPA 70, National Electrical Code, on standards for missing box covers. There are numerous missing covers leaving wires exposed.</p>	<p>___ / ___ / ___</p>
<p>NFPA 70- 4.10.8 DEFECTIVE LIGHT FIXTURE; Luminaries shall be installed such that the connections between the luminaire conductors and the circuit conductors can be inspected without requiring the disconnection of any part of the wiring unless the luminaries are connected by attachment plugs and receptacles. All light fixtures in the basement must have a bulb in them to prevent an electrical shock do the exposed wires.</p>	<p>___ / ___ / ___</p>
<p>NFPA 1, CHAPTER 10 - 10.11.6 HIBACHI OR GRILL ON BALCONY; NO HIBACHI, GAS-FIRED GRILL, CHARCOAL GRILL, OR OTHER SIMILAR DEVICES USED FOR COOKING, HEATING, OR OTHER PURPOSE, SHALL BE USED OR KINDLED ON ANY BALCONY OR UNDER ANY OVERHANG PORTION OR WITHIN 10 FTOF ANY STRUCTURE Remove the BBQ grill with attached propane tank) from against the rear of the building.</p>	<p>___ / ___ / ___</p>
<p>NFPA 101- 8.3.4.2 60 MINUTE FIRE DOOR REQUIRED; 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. The basement doors (both front and rear) must be fire rated with self-closure hardware.</p>	<p>___ / ___ / ___</p>

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