

# 354 882

Portland, Maine



Yes. Life's good here.

August 17, 2015

MACWILLIAMS JAMES D

PO BOX 6807

PORTLAND, ME 04101

CBL: 181 F006001

Located at 91 COLUMBIA RD

#### 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](http://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 Kirk Santrean".

Portland Fire Department

Fire Prevention Bureau

**CITY OF PORTLAND  
PORTLAND FIRE DEPARTMENT**

380 Congress Street  
Portland, Maine 04101

**Inspection Violations**

<b>Owner/Manager</b> MACWILLIAMS JAMES D		<b>Inspector</b> Christopher Goodall	<b>Inspection Date</b> 8/14/2015
<b>Location</b> 91 COLUMBIA RD	<b>CBL</b> 181 F006001	<b>Status</b>	<b>Inspection Type</b> Fire Company-FP Routine Inspec

Code	Int/Ext	Floor	Unit No.	Area	Compliance Date
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1) 9.002

**Violation:** NFPA 80- ANNEX D.4 1-HOUR FIRE DOORS ASSEMBLIES REQ; Listings are provided for floor fire door assemblies that are installed in fire-rated floor-ceiling or roof-ceiling assemblies that have been tested in accordance with the methods described in NFPA 288. The listing indicates the fire-rated assembly and the hourly rating (3 hours, 2 hours, 1.5 hours, 1 hour, .75 hours) for which the door can be permitted to be used so that access to the space above the ceiling or to the floor above can be provided without adversely affecting the fire resistance rating of the entire assembly. The listing provides limitations on the maximum size of an individual door opening and the total area of all door openings permitted for each 100 square feet of floor or ceiling.

**Notes:** DOOR REQUIRED FROM BASEMENT TO COMMON REAR STAIRS

2) 2.125

**Violation:** N.F.P.A. 101 CHP. 31.3.3.2 HOLE IN CEILING NEEDS REPAIR; InteriorWall and Ceiling Finish  
Interior walls and ceiling finish materials complying with 10.2 shall be permitted as follows:  
1) Exit enclosures -- Class A or class B  
2) Lobbies and corridors--Class A or Class B  
3) other spaces Class A, orClass B, or Class C

**Notes:** #93 REAR STAIRWELL

3) 1.120

**Violation:** NFPA 101- 7.5.1.1 AND 7.5.1.1.1 OBSTRUCTED EGRESS; Exits shall be located and exit access shall be arranged so that exits are readily accesible at all times (7.5.1.1).

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 (7.5.1.1.1).

**Notes:** STORAGE OF ITEMS IN REAR STAIRWELL OF #93

4) 2.141

**Violation:** NFPA 101- 8.2.3 FIRE RATING NOT MAINTAINED; The fire resistance of structural elements and building assemblies shall be determined in accordance with test procedures set forth in NFPA 251, ASTM E 119, ANSI/ UL 263, or other approved test methods, or analytical methods approved by the authority having jurisdiction. Materials used to construct fire resistance-rated elements and assemblies shall be limited to those permitted in this code.

**Notes:** ENTIRE REAR STAIRWELLS BOTH SIDES ARE WOOD BOARD PANELING, NO WALL COVERING ABOVE BASEMENT STAIRS, OPEN STUD BAYS ABOVE BASEMENT STAIRS

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PORTLAND FIRE DEPARTMENT**

380 Congress Street  
Portland, Maine 04101

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**Inspection Violations**

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5) 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:** TENANT STATED APARTMENT DID NOT HAVE CO DETECTORS

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**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.

James Macwilliams  
Defendant

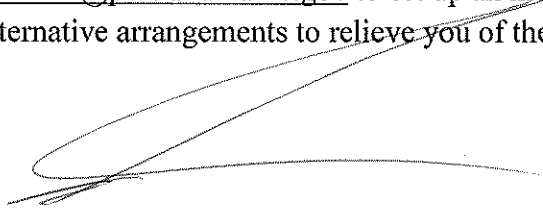
**FIRE PREVENTION AND PROTECTION  
CODE VIOLATION**

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

SUMMONS NUMBER: 354882

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 09/14/2015. I strongly urge you to contact Victoria Meserve at Fire Prevention at (207)-874-8400 or via e-mail at [meservev@portlandmaine.gov](mailto: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 09/14/2015.

Dated: 8/19/15



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