

354963

Portland, Maine



Yes. Life's good here.

September 14, 2015

HIGHT MICHAEL P JR

179 CAPISIC ST

PORTLAND, ME 04102

CBL: 192 K051001

Located at 179 CAPISIC ST

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 Johnson".

Portland Fire Department

Fire Prevention Bureau

**CITY OF PORTLAND
PORTLAND FIRE DEPARTMENT**

380 Congress Street
Portland, Maine 04101

Inspection Violations

Owner/Manager HIGHT MICHAEL P JR		Inspector Stephen Nee	Inspection Date 9/12/2015
Location 179 CAPISIC ST	CBL 192 K051001	Status	Inspection Type Fire Company-FP Routine Inspec

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

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: 3RD FLOOR APARTMENT

2) 8.001 Interior

Violation: NFPA 101- 9.6.10.1.1 SMOKE DETECTOR REQUIRED; Where required by another section of this code, single-station and multiple-station smoke alarms shall be in accordance with NFPA 72, National Fire Alarm Code, shall be provided in all occupiable areas in environments that are suitable for proper smoke detector operation.

Notes: APARTMENTS NEED CO ALARMS

3) 55.511 Exterior Balcony

Violation: 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 FT OF ANY STRUCTURE

Notes: 2ND FLOOR DECK

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.

Michael Hight
Defendant

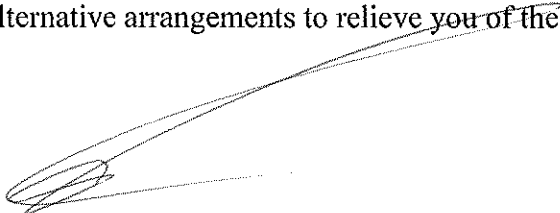
**FIRE PREVENTION AND PROTECTION
CODE VIOLATION**

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

SUMMONS NUMBER: 354963

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 Victoria 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: 9/17/15



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