



November 9, 2015

BURGESS JAMES L

35 WESTCUSTOGO PT

YARMOUTH, ME 04096

CBL: 293 A007001

Located at 1190 FOREST AVE

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, appearing to read "C. R. Pessier".

Portland Fire Department

Fire Prevention Bureau

CITY OF PORTLAND
PORTLAND FIRE DEPARTMENT

353679

380 Congress Street
Portland, Maine 04101

Inspection Violations

Owner/Manager BURGESS JAMES L		Inspector Chris Pirone		Inspection Date 11/6/2015	
Location 1190 FOREST AVE		CBL 293 A007001		Status Failed	
Inspection Type Fire Company-FP Routine Inspec					

Code	Int/Ext	Floor	Unit No.	Area	Compliance Date
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1) 69.05

Violation: PORTLAND FIRE DEPARTMENT CHAPTER 10 4.3.1, 4.3.2 BUILDING ADDRESS NOT MARKED ON BUILDING; 4.3.1 Signs shall be located in a position readily visible as approaching from the main access and approved by the Fire Department. Signs shall be illuminated or retro reflective on a contrasting background and the letter(s) size shall be approved by the Fire Department.

4.3.2 Street Address shall be clearly marked on the front of the building and building sign as approved by the Fire Department.

Notes:

2) 69.25

Violation: 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. SEVERAL APARTMENTS. COMMERCIAL SUITES SHOULD BE LABELLED AS WELL AS BACK DOORS.

Notes:

3) 73.05

Violation: NFPA 101- 7.2.1.15.8 FIRE DOOR ASSEMBLY REQ REPAIR; DOOR OPENINGS NOT IN PROPER OPERATING CONDITION SHALL BE REPAIRED OR REPLACED WITHOUT DELAY.

Notes: FL 2 COMMON BATHROOM DOOR.

**CITY OF PORTLAND
PORTLAND FIRE DEPARTMENT**

380 Congress Street
Portland, Maine 04101

Inspection Violations

Owner/Manager BURGESS JAMES L		Inspector Chris Pirone	Inspection Date 11/6/2015
Location 1190 FOREST AVE	CBL 293 A007001	Status Failed	Inspection Type Fire Company-FP Routine Inspe

4) 80.32

Violation: NFPA 101-7.10.9 TESTING AND MAINTENANCE EXIT SIGNS REQUIRE MAINTENANCE; 7.10.9.1 Inspections. Exit signs shall be visually inspected for operation of the illumination sources at intervals not to exceed 30 days.

7.10.9.2 Testing. Exit signs connected to, or powered with, a battery-operated emergency illumination source shall be tested and maintained in accordance with 7.9.3.

7.9.3 Periodic Testing of Emergency Equipment

7.9.3.1 Required emergency lighting systems shall be tested in accordance with one of the three options offered by 7.9.3.1.1, 7.9.3.1.2, or 7.9.3.1.3.

7.9.3.1.1 Testing of required emergency lighting systems shall be permitted to be conducted as follows:

(1) Functional testing shall be conducted monthly with a minimum of 3 weeks and a maximum of 5 weeks between tests, for not less than 30 seconds, except as otherwise permitted by 7.9.3.1.1(2).

(2) The test interval shall be permitted to be extended beyond 30 days with the approval of the authority having jurisdiction.

(3) Functional testing shall be conducted annually for a minimum 1-1/2 hours if the emergency lighting system is battery powered.

(4) The emergency lighting equipment shall be fully operational for the duration of the test required by 7.9.3.1.1(1) and (3).

(5) Written records of visual inspections and tests shall be kept by the owner for inspection by the authority having jurisdiction.

Notes: IN THE RETAIL STORE ON FOREST AVE.

5) 80.60

Violation: NFPA 101- 7.2.1.5.2 ILLEGAL LOCKS ON EXIT DOOR; LOCKS, IF PROVIDED, SHALL NOT REQUIRE THE USE OF A KEY, A TOOL, OR SPECIAL KNOWLEDGE OR EFFORT FOR OPERATION FROM THE EGRESS SIDE.

Notes: APARTMENTS.

6) 81.30

Violation: NFPA 101- 9.7.4.1 FIRE EXTINGUISHERS REQ- OTHER; Where required by the provisions of another section of this code, portable fire extinguishers shall be installed, inspected, and maintained in accordance with NFPA 10, Standard for Portable Fire Extinguishers.

Notes: NEED TO BE HUNG ON WALL IN COMMERCIAL SUITES.

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Location 1190 FOREST AVE	CBL 293 A007001	Status Failed	Inspection Type Fire Company-FP Routine Inspec

7) 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:

8) 55.25

Violation: 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.

Notes:

9) 89.05

Violation: NFPA 1 EXCESSIVE/DISORDERLY STORAGE; REFERENCE NFPA 1 FOR EXCESSIVE FUEL-LOAD.

Notes: BASEMENT AND FLOOR 2 HALLWAY

10) 91.15

Violation: 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.

Notes: BASEMENT

11) 91.25

Violation: NFPA 70 MISSING BOX COVERS; REFER TO NFPA 70, NATIONAL ELECTRICAL CODE, ON STANDARDS FOR MISSING BOX COVERS.

Notes: BASEMENT

Comments: Inspected this property after completion of an EMS call. We did not have access to residential units or all of the commercial spaces

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 Burgess
Defendant

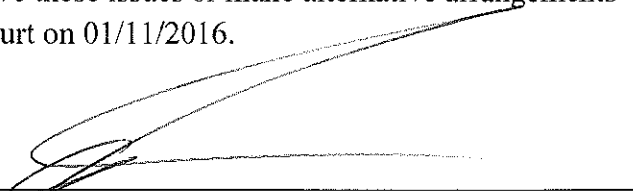
**FIRE PREVENTION AND PROTECTION
CODE VIOLATION**

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

SUMMONS NUMBER: 353679

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 01/11/2016. Please contact Tori Ross in Fire Prevention at (207)-874-8400 or via e-mail at meservev@portlandmaine.gov to set up an in-person meeting to meet with somebody in the Fire Prevention Bureau to resolve these issues or make alternative arrangements to relieve you of the requirement to appear in Court on 01/11/2016.

Dated: 11/18/15



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