



October 16, 2015

EMC AFFORDABLE HOUSING

752 MAIN ST

WESTBROOK, ME 04092

CBL: 294 C068001

Located at 1390 FOREST AVE BLDG 5

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 black ink, appearing to read "Daniel P. Pithell".

Portland Fire Department

Fire Prevention Bureau

**CITY OF PORTLAND
PORTLAND FIRE DEPARTMENT**

380 Congress Street
Portland, Maine 04101

Inspection Violations

Owner/Manager EMC AFFORDABLE HOUSING		Inspector Chris Pirone	Inspection Date 10/15/2015
Location 1390 FOREST BLD 1	CBL 294 C068001	Status Failed	Inspection Type Fire Company-FP Routine Inspec

Code	Int/Ext	Floor	Unit No.	Area	Compliance Date
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1) 69.20

Violation: PORTLAND FIRE DEPARTMENT CHAPTER 10 SECTION 12 KNOX BOX REQUIRED; KNOX BOXES ARE REQUIRED FOR ALL BUILDINGS WITH FIRE ALARM OR SUPPRESSION SYSTEMS.

Notes:

2) 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: MULTIPLE APARTMENTS IN ALL BUILDINGS

3) 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: HARD-WIRED BATTERY BACK-UP PHOTO ELECTRIC SMOKE ALARMS REQUIRED IN BEDROOM'S. MULTIPLE APARTMENTS IN ALL BUILDINGS

4) 91.20

Violation: 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.

Notes: IMPROPER USE OF EXTENSION CHORD IN MAINTENCE SHOP AREA.

Comments:

**CITY OF PORTLAND
PORTLAND FIRE DEPARTMENT**

380 Congress Street
Portland, Maine 04101

Inspection Violations

Owner/Manager EMC AFFORDABLE HOUSING		Inspector Chris Pirone	Inspection Date 10/15/2015
Location 1390 FOREST BLD 2	CBL 294 C068001	Status Failed	Inspection Type Fire Company-FP Routine Inspec

Code	Int/Ext	Floor	Unit No.	Area	Compliance Date
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Notes: IN EACH APARTMENT HARD-WIRED BATTERY BACK-UP PHOTO ELECTRIC SMOKE ALARMS REQUIRED IN EACH BEDROOM. IT APPEARS NOT ALL UNITS MEET THIS REQUIREMENT AND NEEDS TO BE CORRECTED.

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Comments:

**CITY OF PORTLAND
PORTLAND FIRE DEPARTMENT**

380 Congress Street
Portland, Maine 04101

Inspection Violations

Owner/Manager EMC AFFORDABLE HOUSING		Inspector Chris Pirone	Inspection Date 10/15/2015
Location 1390 FOREST BLD 3	CBL 294 C068001	Status Failed	Inspection Type Fire Company-FP Routine Inspec

Code	Int/Ext	Floor	Unit No.	Area	Compliance Date
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Comments:

**CITY OF PORTLAND
PORTLAND FIRE DEPARTMENT**

380 Congress Street
Portland, Maine 04101

Inspection Violations

Owner/Manager EMC AFFORDABLE HOUSING		Inspector Chris Pirone	Inspection Date 10/15/2015
Location 1390 FOREST BLD 4	CBL 294 C068001	Status Failed	Inspection Type Fire Company-FP Routine Inspec

Code	Int/Ext	Floor	Unit No.	Area	Compliance Date
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Comments:

**CITY OF PORTLAND
PORTLAND FIRE DEPARTMENT**

380 Congress Street
Portland, Maine 04101

Inspection Violations

Owner/Manager EMC AFFORDABLE HOUSING		Inspector Chris Pirone	Inspection Date 10/15/2015
Location 1390 FOREST BLD 5	CBL 294 C068001	Status Failed	Inspection Type Fire Company-FP Routine Inspec

Code	Int/Ext	Floor	Unit No.	Area	Compliance Date
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Notes: IMPROPER USE OF EXTENSION CHORD IN MAINTENANCE SHOP AREA.

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,

**FIRE PREVENTION AND PROTECTION
CODE VIOLATION**

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

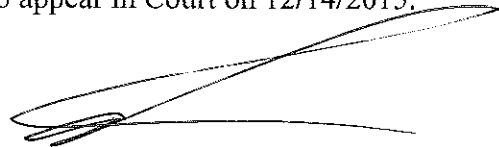
v.

EMC Affordable Housing
Defendant

SUMMONS NUMBER: 353622

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 12/14/2015. Please 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 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 12/14/2015.

Dated: 10/22/15



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