

Portland, Maine



Yes. Life's good here.

Jerome F. LaMoria  
Fire Chief, Fire Department

Portland Fire Department  
Fire Prevention Bureau  
380 Congress St  
Portland, ME 04101

May 11, 2015

Kevin J Keniston  
Maureen C Keniston  
4 Hillis St  
Portland, ME 04103

#### NOTICE OF INTENT TO PROSECUTE

Dear Owner/Manager/Occupant,

An inspection of the property located at 152 Allen Ave on April 14, 2015 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 summons to either schedule a re-inspection or to submit a plan of action to correct these violations.

Sincerely,

Portland Fire Department  
Fire Prevention Bureau

# 353787

CITY OF PORTLAND  
PORTLAND FIRE DEPARTMENT

380 Congress Street  
Portland, Maine 04101

Inspection Violations

<b>Owner/Manager</b> Keniston Kevin J &		<b>Inspector</b> Michael Scherb		<b>Inspection Date</b> 4/14/2015	
<b>Location</b> 0152 ALLEN AVE		<b>CBL</b> 343 B019001		<b>Status</b> Failed	
<b>Inspection Type</b> Fire Company-FP Routine Inspec					

Code	Int/Ext	Floor	Unit No.	Area	Compliance Date
1) 9.003	Interior			Hallway	
<b>Violation:</b>	NFPA 80- D.4 90-MIN FIRE DOORS ASSEMBLIES REQ; Listings are provided for floor fire dor 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 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.				
<b>Notes:</b>	DOORS TO ALL APARTMENTS AND BASEMENT ARE NOT FIRE RATED. SOME DOORS OPEN TO EXTERIOR PORCHES				
2) 55.166	Interior			Various locations	
<b>Violation:</b>	10-3 HARDWIRED CARBON MONOXIDE ALARMS REQUIRED; HARDWIRED CARBON MONOXIDE ALARMS WITH BATTERY BACK UP REQUIRED WITH IN EACH DWELLING UNIT ON EACH LEVEL. INSTALLATION MUST COMPLY WITH NFPA 720.				
<b>Notes:</b>					
3) 55.083	Interior			Cellar	
<b>Violation:</b>	JUNCTION BOXES REQUIRE COVERS; JUNCTION BOXES REQUIRE COVERS				
<b>Notes:</b>	OPEN JUNCTION BOXES IN BASEMENT				
4) 55.511	Exterior			Porch	
<b>Violation:</b>	HIBACHI OR GRILL ON BALCONY; NO HIBACHI, GAS-FIRED GRILL, CHARCOAL GRILL, OR OTHER SIMILAR DEVICES USED FOR COOKING, HEATING, OROTHER PURPOSE, SHALL BE USED OR KINDLED ON ANY BALCONY OR UNDER ANY OVERHANG PORTION OR WITHIN 10 FTOF ANY STRUCTURE				
<b>Notes:</b>	GRILLS PORCH				
<b>Comments:</b>					

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.

Kevin J. Keniston & Maureen C. Keniston  
Defendant

SUMMONS NUMBER: 353787

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 June 8, 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 June 8, 2015.

Dated:

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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