

Portland, Maine



Yes. Life's good here.

Danielle P. West-Chuhta
Corporation Counsel

Michael I. Goldman
Associate Counsel

Anne M. Torregrossa
Associate Counsel

Victoria E. Morales
Associate Counsel

August 18, 2016

NOTICE OF INTENT TO PROSECUTE

Parker's Realty, LLC
1349 Washington Avenue
Portland, Maine 04103

RE: 1349 Washington Ave.
CBL 401 A044001

To Whom it May Concern,

Please see the attached Notice of Violation and Order to Correct. The City of Portland Fire Department has referred this matter to me for prosecution in the event that you do not complete and return the required plan of action by **September 15, 2016**. Your failure to comply will result in the issuance of a summons for you to appear in court, and the imposition of civil penalties in the minimum amount of \$100 per violation per day.

Please contact the Fire Prevention Bureau at (207)874-8400 to resolve these outstanding violations. I look forward to your anticipated cooperation and appreciate your efforts to help keep the citizens of Portland safe.

Sincerely,

Anne M. Torregrossa
Associate Corporation Counsel
City of Portland

CITY OF PORTLAND FIRE DEPARTMENT
 FIRE PREVENTION BUREAU
 380 Congress Street, Portland, Maine 04101
 fireprevention@portlandmaine.gov
 (207)874-8400

**NOTICE OF VIOLATION
 AND ORDER TO CORRECT**

August 18, 2016

Responsible Party 1: Parker's Realty, LLC 1349 Washington Avenue Portland, Maine 04103		
Location: 1349 Washington Ave.	CBL: 401 A044001	Inspection Date: 8/5/2016
Inspector: Brad James	Inspection Type: Fire Company – FP Routine	Status: Failed

The City of Portland Fire Department inspected this property, and found the fire and life safety code violations listed below, which you are hereby ordered to correct. You must complete the proposed date of completion column by proposing a reasonable timeframe to remedy each violation. This form must be received by the Fire Prevention Bureau no later than **September 15, 2016**. The Bureau reserves the right to reject or modify any proposed plan of action, and may require evidence of sufficient financial and technical capacity to complete the proposed plan. Please contact the Bureau with any questions.

**YOUR FAILURE TO SUBMIT A PLAN OF ACTION BY THE DATE PROVIDED,
 OR TO CORRECT ANY VIOLATION WITHIN THE APPLICABLE TIME FRAME,
 MAY RESULT IN LEGAL ACTION AGAINST YOU, THE IMPOSITION OF CIVIL
 PENALTIES, AND THE PURSUIT OF OTHER LEGAL REMEDIES.**

Violation	Date of Completion
1. NFPA 101-7.9.3 EMERGENCY LIGHTS REQUIRE MAINTENANCE; 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.	<u>10/15/2016</u>

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<p>(3) Functional testing shall be conducted annually for a minimum 1-1/2 hours if the emergency lighting system is battery powered.</p> <p>(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).</p> <p><i>Test and repair emergency lighting system.</i></p>	
<p>2. NFPA 70- ARTICLE 410.42 EXPOSED LIVE ELECTRICAL WIRES.</p> <p>Exposed metal parts shall be connected to an equipment grounding conductor or insulated from the equipment grounding conductor and other conducting surfaces or be inaccessible to unqualified personnel. Lamp tie wires, mounting screws, clips, and decorative bands on glass spaced at least 38 mm from lamp terminals shall not be required to be grounded.</p> <p><i>Address wiring in boiler room.</i></p>	<p><u>10/15/2016</u></p>
<p>3. NFPA 101- 9.1.2 IMPROPER WIRING, NOT TO CODE.</p> <p>Electrical wiring and equipment shall be in accordance with NFPA 70, unless such installations are approved existing installations, which shall be permitted to be continued in service.</p> <p><i>Install light switch in electrical panel closet near bathrooms.</i></p>	<p><u>10/15/2016</u></p>

VIOLATOR CERTIFICATION

I agree to remedy the violations listed within the timeframes provided. If I require additional time to comply, I understand that I must contact the Fire Prevention Bureau prior to the deadline to request an extension, which is entirely within the Bureau's discretion to grant or deny.

I further understand that it is my responsibility to schedule a reinspection of my property once the violations have been remedied to do so. My failure to schedule a reinspection shall be deemed an admission that the violations have not been remedied.

If I fail to comply with this agreement, I understand that I am liable for penalties pursuant to the City of Portland Code of Ordinances §§ 1-15 and 10-25, and 30-A M.R.S. § 4452 and may be subject to further legal action.

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9/13/16
Date

J. D. MacDonell
Responsible Party 1

SEEN AND AGREED

9/14/2016
Date

Capit Bruceman
Fire Prevention Bureau