

353 811

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

July 6, 2015

Stephen P. Hilton
19 Old Ironside Ln
Scarborough, ME 04074

NOTICE OF INTENT TO PROSECUTE

Dear Owner/Manager/Occupant,

An inspection of the property located at 505 Washington Ave on July 3, 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.

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,

Portland Fire Department
Fire Prevention Bureau

**CITY OF PORTLAND
PORTLAND FIRE DEPARTMENT**

380 Congress Street
Portland, Maine 04101

Inspection Violations

Owner/Manager HILTON STEPHEN P		Inspector Christopher Champagne	Inspection Date 7/3/2015
Location 505 WASHINGTON AVE	CBL 429 H031001	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: ADDRESS NOT VISABLE FROM STREET

2) 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: SEVERAL DOORS ARE WOOD, NOT MARKED WITH FIRE DOOR TAG

3) 80.16

Violation: NFPA 101-7.9.2.1 E-LIGHTS REQUIRE MAINTENANCE; Emergency illumination shall be provided for a minimum of 1.5 hours in the event of failure of normal lighting. Emergency lighting facilities shall be arranged to provide initial illumination that is not less than an average of 1 ft-candle and, at any point, not less than 0.1ft-candle, measured along the path of egress at floor level. Illumination levels shall be permitted to decline to not less than 0.006 ft-candle at the end of 1.5 hours. A maximum-to-minimum illumination uniformity ratio of 40 to 1 shall not be exceeded.

Notes: SEVERAL EMERGENCY LIGHTS DIDN'T WORK WHEN TESTED

4) 80.32

Violation: NFPA 101-7.2.2.5.5.8 EXIT SIGNS REQUIRE MAINTENANCE; An emergency exit symbol with a luminescent background shall be applied on all doors serving the exit enclosure that swing out from the enclosure in the direction of egress travel. The emergency exit symbol shall also meet the following requirements:

(1) The emergency exit symbol shall meet the requirements of NFPA 170.

(2) The emergency exit symbol applied on the door shall be not higher than 18in. Above the finished floor.

Notes: SOME LIGHTED EXIT SIGNS WERE NOT WORKING

5) 80.46

Violation: NFPA 101- 7.2.1.8.1 FIRE DOORS MUST BE SELF- OR AUTO-CLOSING; A door leaf normally required to be kept closed shall not be secured in the open position at any time and shall be self-closing or automatic-closing in accordance with 7.2.1.8.2, unless otherwise permitted by 7.2.1.8.3.

Notes: SOME PROPPED OPEN AND OTHERS HAD DAMAGED OR REMOVED CLOSERS

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6) 81.10

Violation: PORTLAND FIRE DEPARTMENT CHAPTER 10 FIRE ALARM INSPECTION STICKER REQUIRED; Provide annual fire alarm inspection sticker at the annunciator. This sticker must be provided by a licensed master fire alarm company. A list of licensed master fire alarm companies can be found at: www.portlandmaine.gov/fireprevention.

Notes: NO FD INSPECTION TAG

7) 81.20

Violation: NFPA 10- 7.2.4.4 FIRE EXTINGUISHER INSPECTION TAG; Where manual inspections are conducted, records for manual inspections shall be kept on a tag or label attached to the fire extinguisher, on an inspection checklist maintained on file, or by an electronic method.

Notes: 2013 INSPECTION TAGS

8) 89.05

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

Notes: OLD FRIDGE IN BASEMENT WITH DOOR STILL ON IT, POSSIBLE HAZARD FOR CHILDREN

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.

Stephen P. Hilton
Defendant

**FIRE PREVENTION AND PROTECTION
CODE VIOLATION**

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

SUMMONS NUMBER: 353811

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 August 10, 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 August 10, 2015.

Dated:

7/9/15

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