

Portland, Maine



Yes. Life's good here.

Danielle P. West-Chuhta
Corporation Counsel

Michael I. Goldman
Associate Counsel

Anne M. Torregrossa
Associate Counsel

July 10, 2017

James Harkins
29 Bates Street
Portland, Maine 04103

RE: Violations at 29 Bates Street

Dear Mr. Harkins,

As you may recall, I represent the City of Portland in connection with outstanding violations at your property at 29 Bates Street.

After we exchanged voicemails in response to my letter of June 26, 2017, requesting that you schedule a reinspection of your property, I understand that you spoke with Katharine at the Fire Department. During that conversation, you admitted that none of the violations at 29 Bates Street had been corrected. You also indicated that you would be able to have the repairs completed by September of this year.

Given the history of this property, the Fire Department is willing to give you an extension of time to complete the necessary repairs, only if you sign and return the attached consent agreement no later than **Wednesday, July 19, 2017**. You may return the consent to me by mail or email. If you are not willing to sign the consent, the Fire Department will issue a summons for the violations that you have admitted are outstanding. Violations are subject to a minimum penalty of \$100 per violation per day.

I appreciate your anticipated cooperation

Sincerely,



Anne M. Torregrossa

Enclosure

C: Keith Gautreau, Assistant Chief

CONSENT AGREEMENT

The parties, the City of Portland (the "City"), and James Harkins ("Owner"), hereby enter into this Consent Agreement as follows:

WHEREAS, Owner is the owner and manager of a multi-unit residential property located at 29 Bates Street in Portland, Maine, shown as CBL 429 J007001 on the City of Portland Tax Maps (the "Premises");

WHEREAS, the City of Portland Fire Department conducted an inspection of the Premises on October 26, 2016 (the "Inspection Date");

WHEREAS, Owner was notified of certain building fire and life safety code violations at the Premises on or around November 18, 2016, by means of the Notice of Violation and Order to Correct attached as Exhibit A;

WHEREAS, those violations included failing to number apartment units, having doors that did not self-close, missing sprinkler protection over boilers and hot water heaters, and multiple missing fire rated doors, all of which are described further in Exhibit A (the "Fire Violations");

WHEREAS, Owner agreed to remedy the Fire Violations as set forth in Exhibit A;

WHEREAS, Owner has still not remedied the Fire Violations;

WHEREAS, Owner requires an extension to remedy the Fire Violation;

WHEREAS, the City is willing to grant the requested extension; and

WHEREAS, the parties wish to settle this matter between them, and provide a date by which Owner will have fully remedied all of the outstanding violations at the Premises.

NOW THEREFORE, the parties agree to the following:

1. Owner agrees to fully remedy the Fire Violations by no later than September 1, 2017 (the "Compliance Date"). The Fire Violations shall be remedied in full compliance

with the City of Portland Code of Ordinance and other applicable laws, and shall be remedied to the full satisfaction of the relevant City of Portland official.

2. Owner agrees to schedule a reinspection of the Fire Violations no later than the Compliance Date.
3. If Owner fails to comply with any provision of this Agreement within the timeframe provided, Owner admits liability to the City of Portland for civil penalties in the amount \$31,000, which amounts to \$100 per day from the Inspection Date until the Compliance Date. Owner further admits liability to the City for an additional \$100 per day from the Compliance Date until the Fire Violations are fully remedied.

SEEN AND AGREED,

Date:

CITY OF PORTLAND

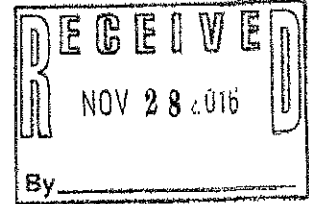
By:

Its:

Date:

JAMES HARKINS

EXHIBIT A



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

NOTICE OF VIOLATION AND ORDER TO CORRECT

November 18, 2016

Responsible Party 1: HARKINS JAMES J 29 BATES ST PORTLAND, ME 04103		
Location 29 BATES ST	CBL 429 J007001	Inspection Date 10/26/2016
Inspector Brad James	Inspection Type FP Routine Inspection	Status Failed

The City of Portland Fire Department inspected this property, and found the fire and life safety code below, which you are hereby ordered to correct. You must complete the proposed date of completion or proposing a reasonable timeframe to remedy each violation. This form must be received by the Fire Pre no later than 12/15/2016. The Bureau reserves the right to reject or modify any proposed plan of action evidence of sufficient financial and technical capacity to complete the proposed plan. Please contact th any questions.

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 Sprinkler

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

Violation	Proposed Date of Completion
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. Number Apartments	12/15/16
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. All fire doors must be self closing. <i>All existing Fire Doors in Building Have Self Closing</i>	— / — / —
NFPA 101- 31.3.2.1.1 BOILER PROTECTION REQUIRED; The areas described in Table 31.3.2.1.1 shall be protected as indicated: Boiler and fuel-fired heater rooms serving more than a single dwelling unit (minimum separation/protection is 1 hour or sprinklers) In basement over boilers and water heaters.	2/28/17 <i>Higgs</i>
NFPA 101- 8.3.4.2 60 MINUTE FIRE DOOR REQUIRED; Refer to NFPA 101- Table 8.3.4.2 that states fire door assemblies for vertical shafts (including stairways, exits, and refuse chutes) are rated and required for 1 hour. Apartment and basement doors leading to the common areas.	2/28/17

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.

Date 11/22/16 Responsible Party 

Date _____ Responsible Party _____

SEEN AND AGREED

Date 12/2/16 A/C Keith Santosa
Fire Prevention Bureau