

# 354492

Portland, Maine



Yes. Life's good here.

December 31, 2015

DIAMOND COVE HOMEOWNERS

DIAMOND COVE

GREAT DIAMOND ISLAND, ME 04109

CBL: 083B M001001

Located at 78 MCKINLEY CT

#### 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](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 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 cursive script that reads "A/C Keith Gantson".

Portland Fire Department

Fire Prevention Bureau

**CITY OF PORTLAND  
PORTLAND FIRE DEPARTMENT**

380 Congress Street  
Portland, Maine 04101

**Inspection Violations**

<b>Owner/Manager</b> DIAMOND COVE HOMEOWNERS		<b>Inspector</b> Keith Gautreau	<b>Inspection Date</b> 12/18/2015
<b>Location</b> 78 MCKINLEY CT	<b>CBL</b> 083B M001001	<b>Status</b> Failed	<b>Inspection Type</b> Fire Prevention-FP Complaint

Code	Int/Ext	Floor	Unit No.	Area	Compliance Date
1) 4.006	Exterior				
<b>Violation:</b>	NFPA 30 CLASS 1 LIQUID VIOLATION; REFER TO NFPA 30. MUST MEET NFPA 385 STANDARD FOR TANK VEHICLES FOR FLAMMABLE AND COMBUSTIBLE LIQUIDS.				
<b>Notes:</b>	GASOLINE STORAGE TANKS ARE NOT BEING PROPERLY USED FOR OVER THE ROAD TRANSPORTATION.				
2) 4.005					
<b>Violation:</b>	NFPA 30- 18.1 APPROVED DISPENSING EQUIPMENT REQ.; THIS CHAPTER APPLIES WHERE LIQUIDS ARE HANDLED, DISPENSED, TRANSFERRED, OR USED. THIS CHAPTER ALSO APPLIES TO THE PROCESSING OF LIQUIDS.				
<b>Notes:</b>					
3) 6.015					
<b>Violation:</b>	NFPA 101- 9.1.2 IMPROPER WIRING, NOT TO CODE; 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.				
<b>Notes:</b>	ELECTRICAL WIRING MUST BE INSTALLED IN COMPLIANCE WITH NFPA 70 NATIONAL ELECTRICAL CODE REQUIREMENTS FOR CLASS I LOCATIONS.				
4) 10.002					
<b>Violation:</b>	NFPA 10- 7.1.1 FIRE EXTINGUISHERS NEED ANNUAL SERVICE; THE OWNER OR DESIGNATED AGENT OR OCCUPANT OF A PROPERTY IN WHICH FIRE EXTINGUISHERS ARE LOCATED SHALL BE RESPONSIBLE FOR INSPECTION, MAINTENANCE, AND RECHARGING.				
<b>Notes:</b>	Conduct an inspection of portable extinguishers no less than once each month. Repair or replace each portable extinguisher that fails the inspection. Document the inspection of each portable extinguisher that passes inspection by initialing and dating the inspection tag.				
5) 4.006					
<b>Violation:</b>	NFPA 30 CLASS 1 LIQUID VIOLATION; REFER TO NFPA 30. MUST MEET NFPA 385 STANDARD FOR TANK VEHICLES FOR FLAMMABLE AND COMBUSTIBLE LIQUIDS.				
<b>Notes:</b>	TANKS ARE NOT PROPERLY SECURED TO TRAILER.				
6) 6.015					
<b>Violation:</b>	NFPA 101- 9.1.2 IMPROPER WIRING, NOT TO CODE; 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.				
<b>Notes:</b>	TANKS MUST BE BONDED TO THE FRAME OF THE TRAILER. BONDING MUST BE DONE PROPERLY WITH A GROUND LUG ATTACHED DIRECTLY TO A FLAT, PAINT FREE PORTION OF THE TANK.				

**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.

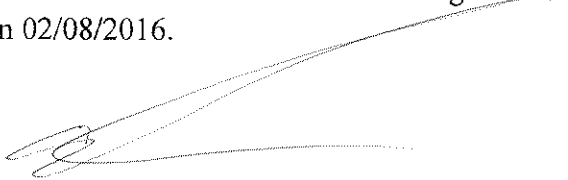
Diamond Cover Home Owners Assoc  
Defendant

SUMMONS NUMBER: 354492

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 02/08/2016. Please contact Tori Ross in 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 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 02/08/2016.

Dated:

1/7/16



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