

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 10, 2015

L P A Properties II LLC
98 Island Ave
Peaks Island, ME 04108

NOTICE OF INTENT TO PROSECUTE

Dear Owner/Manager/Occupant,

An inspection of the property located at 98 Island Ave on 07/01/2015 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 L P A PROPERTIES II LLC		Inspector Benjamin Wallace Jr.	Inspection Date 7/1/2015
Location 98 ISLAND AVE	CBL 087 00031001	Status Follow up Required	Inspection Type Fire Company-FP Routine Inspec

Code	Int/Ext	Floor	Unit No.	Area	Compliance Date
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1) 67.030

Violation: NFPA 30A FUEL ISLANDS REQUIRE SIGNAGE

Notes: Warning signs shall be conspicuously posted in the dispensing area and shall incorporate the following or equivalent wording:
Warning: It is unlawful and dangerous to dispense gasoline into unapproved containers.
No Smoking.
No filling of portable containers in or on a motor vehicle.
Place container on ground before filling.
Discharge your static electricity before fueling by touching a metal surface from the nozzle.
Remain in view of the fueling nozzle during dispensing.
Do not re-enter your vehicle while gasoline is pumping.
If a fire starts, do not remove nozzle -- back away immediately.
Do not allow individuals under licensed age to use the pump.

2) 8.026

Violation: NFPA 1- 13.3.3.1 SUPPRESSION SYSTEM NEEDS SERVICE; A sprinkler system installed in accordance with this code shall be properly maintained to provide at least the same level of performance and protection as designed. The owner shall be responsible for maintaining the system and keeping it in good working condition.

Notes: DOCUMENT ANNUAL SERVICE OF FUEL ISLAND FIRE SUPPRESSION SYSTEM

Comments: No signage. The inspection tag on the manual pull station for the island suppression system was dated 2012. The pump on the dock is not connected for use.

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)

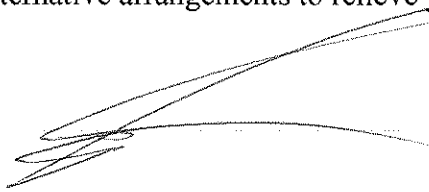
v.

L P A Properties II LLC
Defendant

SUMMONS NUMBER: 353737

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 09/14/2015. 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 09/14/2015.

Dated: 9/17/15



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