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City
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Received - DIANE L. BATTIATO
 Register of Deeds, Douglas County, NE
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2009119603

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Return To: City of Omaha
Planning Department
Code Enforcement
1819 Farnam St, Rm. 1003
Omaha, NE 68183

Check Number



City of Omaha
Jim Suttle, Mayor

Planning Department

Omaha/Douglas Civic Center
1819 Farnam Street, Suite 1003
Omaha, Nebraska 68183
(402) 444-5150
Telefax (402) 546-0714

NOTICE OF VIOLATION

October 6, 2009

R. E. Cunningham, RA, F.SAME
Director

Horace Bethea & Jerry Deabler
2322 S. 20 St.
Omaha, NE 68108

Parcel No.: 4290000007

Legal Description: The South 59.7' of the North 147.7' of
Lots 17 * 18, in Block 3, in Campbell's Addition

This notice concerns the Property at: **2332 S 020 ST**

Commercial building Exterior.

The Property is in violation of the Omaha Municipal Code. The violations currently known to exist on this Property are listed in the attached Violations List.

You are ordered to repair or cure the said violations by December 5, 2009. A follow-up inspection, to determine whether the violations have been repaired or cured and whether the Property can thereby be released, will be scheduled on or shortly after that date, or sooner if you so request.

This occupied Property is declared to be unsafe, unfit for human occupancy, or unlawful, because of the violations so designated in the attached Violations List. If any of those designated violations are not cured within the time period stated above, the Property will be placarded, and occupancy will be prohibited until the violations are cured and released.

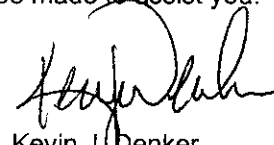
While the necessity of City permits to conduct the necessary work will depend on the method of repair chosen by the Property owner, it presently appears that the following types of permits will have to be obtained from the City to perform the necessary work:

Any person directly affected by this notice may appeal to the Omaha Building Board of Review by filing a written appeal application form and \$100.00 filing fee with the office of the City Permits and Inspections Division, Omaha/Douglas Civic Center, 1819 Farnam Street, Suite 1100, Omaha, Nebraska, within 20 days of the date of this notice (add an additional three business days if this notice was sent by regular mail). The appeal application shall state all grounds for objection to this notice.

If you desire clarification of this notice or of any of the violations listed, please call the undersigned between the hours of 8:00 a.m. and 9:30 a.m. and arrangements will be made to assist you.

Sincerely,


Kenton D. Duncan
Code Inspector, 444-3889


Kevin J. Denker
Chief Code Inspector

C: Tax Lien, Markowitz LLC c/o Mike Johnson, PO Box 23062, Lincoln, NE 68542
Horace Bethea, 2410 Hogantown Dr., Bellevue, NE 68123
Jerry & Donna R. Deabler, 2410 Hogantown Dr., Bellevue, NE 68123
American National Bank, 1314 Galvin Rd., South, Bellevue, NE 68005
American National Bank, 8990 W. Dodge Rd., Omaha, NE 68154

**The City of Omaha Planning Department
Housing Division
Permits and Code Requirements**
for property address: 2332 S 020 ST
Structure Type: Commercial building-Exterior
October 6, 2009

\$3,000.00

General Repair

Fire

Reroof

Remove Existing Roof

Reside

Remove existing siding

Basement Finish

Retaining Wall

Window Replacement

Soffits, Gutters, etc.

Kitchen Remodel

Bath Remodel

Plans required

Fence

Decks/Porches

Fire Escape

Interior Inspection.

Requested for the following reason(s) :

Separate Permits required for the following:

Electrical

Plumbing

Mechanical

Wreck

Engineer Review:

Registered Engineer's drawing and stamp required.

Other requirements: I need a structural engineers report on the condition of the basement where the wall looks as if it is in danger of failure. The cost of the permit will be \$50.53. The permit will not be given until the structural report is in.

Violations List

October 6, 2009

Horace Bethea & Jerry Deabler
2322 S. 20 St.
Omaha, NE 68108

Re: 2332 S 020 ST
Inspected by: Kenton D. Duncan
Structure Type: Commercial building

Violations and corrective action:

Owner Violation List items

<u>Code Section Violated</u>	<u>Location and Nature of Violation</u>	<u>Unsafe/Unfit Designation</u> <u>Repaired</u>
<p>043-101. Generally. All construction or work for which a permit is required shall be subject to inspection by the building official and all such construction or work shall remain accessible and exposed for inspection purposes until approved by the building official. In addition, certain types of construction shall have special inspection as specified in the building code as adopted by this jurisdiction.</p> <p>Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of the building code, this Code or other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of the building code, this Code or other ordinances of the jurisdiction shall not be valid.</p> <p>It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.</p> <p>A survey of the lot may be required by the building official to verify that the structure is located in accordance with the approved plans. (Ord. No 33582, SS 1(43-101), 6-27-95)</p>	<p>Building Exterior. Construction work shall remain accessible & exposed for inspections until approved.</p>	
<p>043-71. Required. Except as specified in section 43-72 of this Code, no building or structure regulated by this Code shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate permit for each building or structure has first been obtained from the building official. (Ord. No. 33582 SS 1(43-71), 6-27-95)</p>	<p>Building Exterior. General repair-Building permit required when repair labor and materials are valued over \$500.</p>	

<u>Code Section Violated</u>	<u>Location and Nature of Violation</u>	<u>Unsafe/Unfit Designation</u> <u>Repaired</u>
<p>043-91. Permit Fees. Fees shall be assessed in accordance with the provisions of this section. The fee for each building permit shall be as set forth in Table 43-91.</p> <p>The determination of value or valuation for the purpose of assessing the permit fee shall be made by the building official. The value to be used in computing the building permit and plan review fees shall be the total value of all construction work for which the permit is issued.</p> <p>Penalty fees: When construction begins before the permit has been issued, the applicant shall pay a penalty fee. Said fee shall be quadruple the amount of the regular fee.</p> <p>No quadruple fee penalty set forth in this chapter shall be imposed if the work is of an emergency nature where a delay in performing the work may cause a risk to life or health or will significantly increase the risk of property damage, provided a permit is applied for within 48 hours of the start of the work, in which case no penalty shall be imposed.</p>	<p>Building Exterior. Fee shall be assessed in accordance with the provisions of this sections.</p>	
<p>043-94. Commencing work without permit. Whenever any work for which a permit is required has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued. A penalty fee shall be assessed in accordance with table 43-91. Payment of the penalty fee shall not exempt the applicant from making any changes that may be required to bring the work into compliance with the city's building, zoning and other codes. (Ord. No 33582, SS 1(43-94), 6-27-95)</p>	<p>Building Exterior. Whenever any work for which a permit is required has been commenced without first obtaining said permit a penalty fee shall be assessed.</p>	
<p>048-101. Application for appeal. Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the building board of review, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served or posted, as the case may be. If the decision, notice or order was served by first class mail, then three (3) business days shall be added to the time for appeal. Appealable issues shall include, but not be limited to, notices of violation, repair orders, placards, notices to vacate, closure orders, the results of inspections, orders to purchase permits or pay fees, and the denial of permits. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means, or that the strict application of any requirement of this code would cause an undue hardship. To the extent that there are any differences in the procedures for appeals to the board under this code and under Chapter 43, the procedures set forth in this code shall govern appeals occurring under this code.</p>	<p>Building Exterior. Owner. Any person directly affected by this notice shall have the right to appeal.</p>	

<u>Code Section Violated</u>	<u>Location and Nature of Violation</u>	<u>Unsafe/Unfit Designation</u> <u>Repaired</u>
048-102. Stays of enforcement. An appeal of a notice or order (other than an Imminent Danger notice or order) shall stay the enforcement of the administrative notice and order until the appeal is heard by the board, but shall not stay the criminal prosecution of any violation of any section of this code.	Building Exterior. Owner.	
048-103. Burden of proof. On appeal, the code official must first produce evidence substantiating the decision, notice or order at issue. If the board determines the code official has met this burden, then the appealing party must show why the decision, notice or order should be rescinded or modified, or why a requirement of the code should be waived. On all issues except for the removal of tenants and demolition orders, the appeal is denied unless a majority of the board votes to reverse, rescind, modify or waive. Orders to remove tenants or to demolish a building or structure must be sustained by majority vote.	Building Exterior. Owner.	
048-12a. Maintenance. Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.	Building Exterior. Owner.	
048-12d. Maintenance. Alterations or repairs to an existing building or structure that are not structural and do not adversely affect any structural member or any part of the building or structure having a required fire resistance may be made with the same materials of which the building or structure is constructed.	Building Exterior. Owner.	
048-13. Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the City's Building Code, Plumbing Code, Mechanical Code, Fuel Gas Code, Fire Code and Electrical Code, all as defined in this code. Nothing in this code shall be construed to cancel, modify or set aside any provisions of Chapter 55 of the Omaha Municipal Code.	Building Exterior. All city codes apply.	
048-15. Workmanship. Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions.	Building Exterior. All repairs, alterations, maintenance work & installations shall be made in a workmanlike manner, and in accordance with manufacturer's installation instructions.	
048-25. Fees. The fees for activities and services performed by the city in carrying out its responsibilities under this code shall be as indicated in the following schedule:	Building Exterior. Owner. Fee shall apply.	
Reinspection, charged once for each notice per dwelling unit \$41.00		

Code Section Violated	Location and Nature of Violation	Unsafe/Unfit Designation Repaired
<p>048-34. Right of entry. The code official is authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the code official is authorized to pursue recourse as provided by law.</p>	<p>Building Exterior. The code official is authorized to enter the structure or premises at reasonable times.</p>	
<p>048-53. Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with this code shall be deemed guilty of a misdemeanor, as provided in Section 1-10 of the Omaha Municipal Code. If the notice of violation is not complied with, the code official may institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto.</p>	<p>Building Exterior. Any person failing to comply with a notice shall be prosecuted.</p>	
<p>048-54. Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.</p>	<p>Building Exterior. Any person who violates a provision of this code shall be prosecuted within the limits provided by state or locals laws.</p>	
<p>048-61. Notice to owner or to person or persons responsible. Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given to the owner or the person or persons responsible therefore in the manner prescribed in sections 48-62 and 48-63. Not more than one notice of violations shall be issued for the same violation. Notices for procedures declaring property unsafe or unfit for human occupancy shall also comply with Division 8.</p>	<p>Building Exterior. Owner</p>	
<p>048-65. Transfer of ownership. If the ownership of a property subject to a pending notice or order under this code is to be transferred, the transferring owner shall report to the city housing division the impending transfer of the property and the name and address of the transferee, at least seven (7) days prior to the transfer.</p>	<p>Building Exterior. Inspector must be noticed of pending transfer of ownership seven (7) days prior to transfer.</p>	
<p>048-71a. General. When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be declared as such by notice pursuant to the provisions of this code.</p>	<p>Building Exterior. Deteriorated structural member not capable of supporting imposed load. Including cut, burned, broken beam, column, joist, stud, roof, wall, floor, stair.</p>	<p>Yes</p>
<p>a. Unsafe Structure. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation that partial or complete collapse is possible.</p>		

<u>Code Section Violated</u>	<u>Location and Nature of Violation</u>	<u>Unsafe/Unfit Designation</u> <u>Repaired</u>
<p>048-71c. General. When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be declared as such by notice pursuant to the provisions of this code.</p>	<p>Building Exterior. Building and premises are deteriorated, vandalized and littered. Building is a blighting influence on the neighborhood.</p>	<p>Yes</p>
<p>c) Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.</p>		
<p>048-71c. General. When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be declared as such by notice pursuant to the provisions of this code.</p>	<p>Building Exterior. Deteriorated structure, lacking maintenance.</p>	<p>Yes</p>
<p>c) Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.</p>		
<p>048-72. Closing of vacant structures. If the premises are vacant and unfit for human habitation and occupancy, the code official is authorized to post a closure placard on the premises and order the premises closed up so as not to be an attractive nuisance. The owner or person responsible for the premises shall close up the premises within the time specified in the notice or order, and shall keep the premises closed until authorized or permitted by the code official to be opened. It shall be unlawful for the owner or any person responsible for the premises to fail to close and keep closed such a premises, on a continuing basis after the said notice or order. Upon failure of the owner or other person responsible for the premises to close up the premises within the time specified in the order, the code official may, in addition to other civil or criminal remedies, cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal means.</p>	<p>Building Exterior. If the structure becomes vacant it must be repaired before it is reoccupied.</p>	

<u>Code Section Violated</u>	<u>Location and Nature of Violation</u>	<u>Unsafe/Unfit Designation</u>	<u>Repaired</u>
048-74. Placarding. Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or on defective equipment a placard reading "Danger - Closed" or similar language, and a statement of the penalties provided for occupying the premises, operating the equipment, removing the placard, or failing to close the premises or keep the premises closed.	Building Exterior. Upon failure to comply within the time given, structure shall be placarded.		
301.2. Responsibility. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit or premises which they occupy and control.	Building Exterior. Owner/occupant. Entire structure. Owner shall not occupy or permit another to occupy any structure or exterior property not in compliance.		
301.3. Vacant structures and land. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.	Building Exterior. Owner. If structure is to be vacated, it must be maintained in a clean, safe, secure, and sanitary condition.		
302.1. Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.	Building Exterior. Litter and/or debris on exterior property and premises.	Yes	
304.1. General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.	Building Exterior. Owner. Exterior of the structure is in disrepair, structurally unsound, unsanitary and is a threat to public health, safety and welfare.	Yes	
304.10. Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.	Building Exterior. Deteriorated broken, missing, deteriorated stair handrail, on all stairs that are more than two steps.		
304.10. Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.	Building Exterior. Deteriorated deck, porch, balcony floor, ceiling, columns at the rear of the building.		
304.12. Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.	Building Exterior. Missing handrails on the front steps.		
304.13. Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.	Building Exterior. Peeling paint at window trim on all sides.		
304.13.1. Glazing. All glazing materials shall be maintained free from cracks and holes.	Building Exterior. Broken window glass.		

Code Section Violated	Location and Nature of Violation	Unsafe/Unfit Designation Repaired
<p>304.14. Insect screens. During the period from May 1st to October 1st, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every screen door used for insect control shall have a self-closing device in good working condition.</p> <p>Exception: Screen doors shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.</p>	<p>Building Exterior. Deteriorated, torn, and missing insect screens on all sides.</p>	
<p>304.2. Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights shall be maintained, weather resistant and water-tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.</p>	<p>Building Exterior. Deteriorated mortar between masonry joints.</p>	
<p>304.3. Premises identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).</p>	<p>Building Exterior. Missing address numbers at rear of building, less than 4" high, painted over, not visible from the alley.</p>	<p>Yes</p>
<p>304.3. Premises identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).</p>	<p>Building Exterior. No apartment number(s) on door(s).</p>	<p>Yes</p>
<p>304.4. Structural members. All structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads.</p>	<p>Building Exterior. Deteriorated deck columns, structure.</p>	<p>Yes</p>
<p>304.4. Structural members. All structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads.</p>	<p>Building Exterior. A stamped engineers report or a structural review is required by a State of Nebraska registered structural engineer and report given to inspector.</p>	<p>Yes</p>

<u>Code Section Violated</u>	<u>Location and Nature of Violation</u>	<u>Unsafe/Unfit Designation</u>	<u>Repaired</u>
304.6. Exterior walls. All exterior walls shall be free from holes, breaks and loose or rotting materials; and maintained, weatherproof and properly surface coated where required to prevent deterioration.	Building Exterior. Non-exterior rated wall surfaces. Including interior plywood, paneling.		
304.6. Exterior walls. All exterior walls shall be free from holes, breaks and loose or rotting materials; and maintained, weatherproof and properly surface coated where required to prevent deterioration.	Building Exterior. Deteriorated and/or missing mortar at masonry joints.		
304.6. Exterior walls. All exterior walls shall be free from holes, breaks and loose or rotting materials; and maintained, weatherproof and properly surface coated where required to prevent deterioration.	Building Exterior. Deteriorated and cracked walls, in several places.		
304.6. Exterior walls. All exterior walls shall be free from holes, breaks and loose or rotting materials; and maintained, weatherproof and properly surface coated where required to prevent deterioration.	Building Exterior. Peeling paint on all surfaces.		
304.7. Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.	Building Exterior. Deteriorated gutters and downspouts.		
304.7. Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.	Building Exterior. Missing required 30" down spout extensions.		
304.9. Overhang extensions. All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes, and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.	Building Exterior. Structural review of fire escape is required by a State of Nebraska registered structural engineer and given to inspector.		
304.9. Overhang extensions. All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes, and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.	Building Exterior. Deteriorated fire escape, back stairs.	Yes	