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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

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

## NOTICE OF VIOLATION

April 8, 2011

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 \(^{1}18\), in Block 3, in Campbell's Addition

This notice concerns the Property at: 2332 S 020 ST

#### Commercial Building Entire Structure.

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 June 7, 2011. 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 vacant Property is declared to be unsafe, unfit for human occupancy, or unlawful, because of the violations so designated in the attached Violations List. You are ordered to close the Property and to take measures necessary to prevent occupancy of it within 60 days. Occupancy of the property is prohibited. Of course, if all violations making this property unsafe, unfit or unlawful are repaired or cured by the above date, the property can then be opened and occupied.

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: **Building, Wreck Permit** 

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, 402-444-3889

Kevin & Denker Chief Code Inspector

C: Tax Lien, Markowitz LLC c/o Mike Johnson, PO Box 23062, Lincoln, NE 68542 Tax Lien, Elizabeth Penke, 1611 N. 127 Cr., Omaha, NE 68154 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-Entire Structure April 8, 2011

The following permits are required for the primary structure:

A Building permit is required for the amount of . Note: The fee charged for a Building permit is based on the total amount of estimated labor and material costs.

General Repair

Window Replacement

Interior Inspection.

Fire

Soffits, Gutters, etc.

Requested for the following reason(s):

Reroof
Remove Exisiting Roof

Kitchen Remodel Bath Remodel

Reside

Plans required

Remove existing siding

Fence

Basement Finish Retaining Wall Decks/Porches

Fire Escape

Separate Permits required for the following:

Electrical

Plumbing

Mechanical

Y Wreck

# **Special Code Requirements:**

#### Wreck Requirements-

A wreck permit shall be required before the removal of a structure. For more information call 444-5371 and ask for a brochure to be mailed.

Other requirements: A wreck permit will be needed to remove the building. A pest and asbestos report will be needed before the building may be removed.

# **Violations List**

April 8, 2011

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**

#### **Code Section Violated**

043-71. Required. Except as specified in section 43-72 of this Code, Commercial Building. Wreck no building or structure regulated by this Code shall be erected, permit required to demolish this constructed, enlarged, altered, repaired, moved, improved, removed, structure. All other permits will converted or demolished unless a separate permit for each building or be needed if structure is to be structure has first been obtained from the building official. (Ord. No. 33582 SS 1(43-71), 6-27-95)

**DesignationRepaired** Location and Nature of Violation

saved.

Unsafe/Unfit

043-91. Permit Fees. Fees shall be assessed in accordance with the Commercial Building. Fee shall provisions of this section. The fee for each building permit shall be as be assessed in accordance set forth in Table 43-91.

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.

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.

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.

with the provisions of this sections.

**Designation** Repaired

043-94. Commencing work without permit. Whenever any work for Commercial which a permit is required has been commenced without first obtaining. Whenever any work for which a said permit, a special investigation shall be made before a permit may permit is required has been be issued. A penalty fee shall be assessed in accordance with table commenced 43-91. Payment of the penalty fee shall not exempt the applicant from obtaining said permit a penalty making any changes that may be required to bring the work into fee shall be assessed. compliance with the city's building, zoning and other codes. (Ord. No 33582, SS 1(43-94), 6-27-95)

Building.

**048-101.** Application for appeal. Any person directly affected by a Commercial Building. Owner. decision of the code official or a notice or order issued under this code. Any person directly affected by shall have the right to appeal to the building board of review, provided this notice shall have the right that a written application for appeal is filed within 20 days after the day to appeal. 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.

048-102. Stays of enforcement. An appeal of a notice or order (other Commercial Building. Owner. than an Imminent Danger notice or order) shall stay the enforcement of the adminstrative notice and order until the appeal is heard by the board, but shall not stay the criminial prosecution of any violation of any section of this code.

**048-53.** Prosecution of violation. Any person failing to comply with a Commercial notice of violation or order served in accordance with this code shall be person failing to comply with a deemed guilty of a misdemeanor, as provided in Section 1-10 of the notice shall be prosecuted. 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.

Building.

048-54. Violation penalties. Any person who shall violate a provision Commercial of this code, or fail to comply therewith, or with any of the requirements person who violates a provision thereof, shall be prosecuted within the limits provided by state or local of this code shall be prosecuted laws. Each day that a violation continues after due notice has been within the limits provided by served shall be deemed a separate offense.

Building. state or locals laws.

#### Location and Nature of Violation

#### Code Section Violated

048-61. Notice to owner or to person or persons responsible. Commercial Building. Owner Whenever the code official determines that there has been a violation of and or person or persons this code or has grounds to believe that a violation has occurred, notice responsible. 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.

048-65. Transfer of ownership. If the ownership of a property subject Commercial Building. Written to a pending notice or order under this code is to be transferred, the notice of pending transfer of transferring owner shall report to the city housing division the impending ownership must be made to the transfer of the property and the name and address of the transferee, at office least seven (7) days prior to the transfer.

of the planning department within seven (7) days prior to transfer of deed.

048-71a. General. When a structure or equipment is found by the Commercial Building. Burned, code official to be unsafe, or when a structure is found unfit for human fire damaged dwelling. All occupancy, or is found unlawful, such structure shall be declared as permits required if repair is such by notice pursuant to the provisions of this code.

decided upon.

Yes

Unsafe Structure. An unsafe structure is one that is found to be a. 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.

048-71a. General. When a structure or equipment is found by the Commercial Building. code official to be unsafe, or when a structure is found unfit for human hole and penetrations through occupancy, or is found unlawful, such structure shall be declared as floors and or walls and or such by notice pursuant to the provisions of this code:

ceilings.

Yes

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.

048-71a. General. When a structure or equipment is found by the Commercial Building. Structure code official to be unsafe, or when a structure is found unfit for human unsafe because of fire damage. occupancy, or is found unlawful, such structure shall be declared as such by notice pursuant to the provisions of this code.

Yes

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.

Location and Nature of Violation

Unsafe/Unfit **Designation** Repaired

**048-71a.** General. When a structure or equipment is found by the Commercial code official to be unsafe, or when a structure is found unfit for human Unsafe/unfit occupancy, or is found unlawful, such structure shall be declared as damage. such by notice pursuant to the provisions of this code.

Building. earess. Fire Yes

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.

048-71b. General. When a structure or equipment is found by the code Commercial official to be unsafe, or when a structure is found unfit for human Fire-damaged occupancy, or is found unlawful, such structure shall be declared as plumbing, such by notice pursuant to the provisions of this code.

Building. electrical, mechanical throughout.

b) Unsafe equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

048-71c. General. When a structure or equipment is found by the code Commercial official to be unsafe, or when a structure is found unfit for human damage. Dwelling is unfit for occupancy, or is found unlawful, such structure shall be declared as human occupancy. such by notice pursuant to the provisions of this code.

Building.

Yes

Yes

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.

048-71d. General. When a structure or equipment is found by the code Commercial official to be unsafe, or when a structure is found unfit for human Unsafe/Unfit. occupancy, or is found unlawful, such structure shall be declared as such by notice pursuant to the provisions of this code.

Building.

d. Unlawful Structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

Unsafe/Unfit **Designation** Repaired

048-72. Closing of vacant structures. If the premises are vacant and Commercial Building. Structure unfit for human habitation and occupancy, the code official is authorized needs to be secured within 24 to post a closure placard on the premises and order the premises hours of receipt of this notice. 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 responisble 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 responisible 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 criminical 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.

Yes

048-74. Placarding. Upon failure of the owner or person responsible to Commercial Building. Posted comply with the notice provisions within the time given, the code official danger closed. 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.

Yes

048-75. Prohibited occupancy. It shall be unlawful for any person to Commercial occupy a placarded premises or to operate placarded equipment, and Occupancy is prohibited. for any owner or any person responsible for the premises to let anyone occupy a placarded premises or operate placarded equipment. Such persons shall be subject to the penalties set out in section 1-10 of this Code.

Building.

Yes

048-81. Imminent danger. When, in the opinion of the code official, Commercial Building. Burned, there is imminent danger of failure or collapse of a building or structure fire-damaged building. Building which endangers life, or when any structure or part of a structure has is dangerous and must remain fallen and life is endangered by the occupation of the structure, or when vacant until all repairs are there is actual or potential danger to the building occupants or those in completed and final inspections the proximity of any structure because of explosives, explosive fumes or are completed. vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited By The Code Official", or similar language. It shall be unlawful for any person to enter or allow any use of such structure or the premises upon which it is located, except for the purpose of securing the premises, making the required repairs, removing the hazardous condition or of demolishing the same.

Yes

048-91. General. The code official shall order the owner of any Commercial Building. Burned, premises upon which is located any structure, which in the code fire damaged building. Remove official's judgment is so old, dilapidated or has become so out of repair dangerous building. as to be dangerous, unsafe, insanitary or otherwise unfit for human permit required. habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure.

General. The code official shall order the owner of any Commercial premises upon which is located any structure, which in the code dwelling is to be repaired, a list official's judgment is so old, dilapidated or has become so out of repair of sub-contractors that are as to be dangerous, unsafe, insanitary or otherwise unfit for human doing the general repairs, habitation or occupancy, and such that it is unreasonable to repair the plumbing, structure, to demolish and remove such structure; or if such structure is mechanical repair work is capable of being made safe by repairs, to repair and make safe and required to be given to the sanitary or to demolish and remove at the owner's option; or where inspector for approval. there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure.

electrical

General. The code official shall order the owner of any Commercial premises upon which is located any structure, which in the code dwelling is to be repaired, a official's judgment is so old, dilapidated or has become so out of repair stamped Engineers Report or as to be dangerous, unsafe, insanitary or otherwise unfit for human stamped Engineers/Architects habitation or occupancy, and such that it is unreasonable to repair the drawings and plans, must be structure, to demolish and remove such structure; or if such structure is submitted and approved by the capable of being made safe by repairs, to repair and make safe and Code Inspector. sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure.

048-92. Notices and orders. All notices and orders shall comply with Commercial Building. If a Division 7.

building which has received a demolition notice is to be repaired, then a written list of sub-contractors that are doing the general repairs, plumbing, electrical and mechanical repair work is required to be given to the inspector for approval. Also

048-93. Failure to comply. If the owner of a premises fails to comply Commercial Building. Failure to with a demolition order within the time prescribed, the code official shall comply with demolition order cause the structure to be demolished and removed, either through an may result in removal of the available public agency or by contract or arrangement with private dangerous structure by the city. persons. The cost of such demolition and removal amy be assessed as a lien against the real estate upon which the structure is located, and may be collected from the owner pursuant to civil action, as provided by law.

#### Unsafe/Unfit **Designation** Repaired

#### Code Section Violated

301.2. Responsibility. The owner of the premises shall maintain the Commercial Building. Owner. structures and exterior property in compliance with these requirements, Entire structure. 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.

Vacant structures and land. All vacant structures and Commercial Building. Open, 301.3. premises thereof or vacant land shall be maintained in a clean, safe, vandalized and vacant structure secure and sanitary condition as provided herein so as not to cause a must be secure within 24 hours blighting problem or adversely affect the public health or safety.

of this notice and be maintained secure until the property is repaired and action is released, or the building is demolished. All openings, including windows and doors to be secured.

302.1. Sanitation. All exterior property and premises shall be Commercial Building. Owner maintained in a clean, safe and sanitary condition. The occupant shall and / or person(s) responsible. keep that part of the exterior property which such occupant occupies or Litter and/or debris on exterior controls in a clean and sanitary condition.

property and premises. MUST BE REMOVED.

Yes

Yes

304.1. General. The exterior of a structure shall be maintained in good Commercial Building. Owner. repair, structurally sound and sanitary so as not to pose a threat to the FIRE DAMAGED BUILDING. public health, safety or welfare.

MUST BE REMOVED.

Yes

304.10. Stairways, decks, porches and balconies. Every exterior Commercial stairway, deck, porch and balcony, and all appurtenances attached damaged stairs, columns and thereto, shall be maintained structurally sound, in good repair, with decking. Unsafe proper anchorage and capable of supporting the imposed loads.

Yes

304.13. Window, skylight and door frames. Every window, skylight, Commercial door and frame shall be kept in sound condition, good repair and damaged windows and doors. weather tight.

Building. Fire MUST BE SECURED

Yes

**304.7**. Roofs and drainage. The roof and flashing shall be sound, tight Commercial and not have defects that admit rain. Roof drainage shall be adequate damaged roof. 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. Fire Yes

**305.1**. **General.** The interior of a structure and equipment therein shall Commercial be maintained in good repair, structurally sound and in a sanitary damaged interior throughout. condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

Yes

Location and Nature of Violation

Unsafe/Unfit Designation Repaired

305.3. Interior surfaces. All interior surfaces, including windows and Commercial doors, shall be maintained in good, clean and sanitary condition, abraded, deteriorated, soot, Peeling, chipping, flaking, or abraded paint shall be repaired, removed, smoke, or covered. Cracked or loose plaster, decayed wood, and other water-damaged defective surface conditions shall be corrected.

Building. ΑII and fire and interior surfaces, including walls, windows, doors, trim, floors and ceilings.

Yes



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

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

#### **DEMOLITION ORDER**

April 8, 2011

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

This notice concerns the Commercial Building on the Property at 2332 S 020 ST .

The said structure 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 demolish and remove the said structure by June 7, 2011.

If you fail to comply with this order by the above date, then the City will demolish and remove the said structure. In such case, the cost of such demolition and removal may be assessed as a lien against the Property, and may be collected from the owner in a civil action.

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: **Building, Wreck Permit.** 

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,

Kevin J. Denker Chief Code Inspector

C: Tax Lien, Markowitz LLC c/o Mike Johnson, PO Box 23062, Lincoln, NE 68542 Tax Lien, Elizabeth Penke, 1611 N. 127 Cr., Omaha, NE 68154 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