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2006133956

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CITY OF OMAHA  
PLANNING DEPT.  
1819 Farnam St., Rm.  
Omaha, NE 68183

1003



City of Omaha  
Mike Fahey, Mayor

## CODE ENFORCEMENT

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 31, 2006

Steven N. Jensen, AICP  
Director

Native Omahans Club Inc.  
PO Box 11561  
Omaha, NE 68111

Legal Description: All of Lots 15, & 16, Block 5,  
Plainview Addition

This notice concerns the Property at: **3821 1/2 N 024 ST Apartment Interior.**

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 30, 2006. 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, Electrical, Plumbing, Mechanical,**

Any person directly affected by this notice may appeal to the Omaha Building Board of Review by filing a written appeal application form and \$30.00 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,

Kurt Helmsstrom  
Code Inspector, 444-7728

Kevin J. Denker  
Chief Code Inspector

C: First Natl Bank of Omaha, 1620 Dodge St 68102  
Burton Plumbing Services, Inc, 8115 "H" St, 68127

**The City of Omaha Planning Department  
Housing Division**

**Permits and Code Requirements**

for property address: 3821 1/2 N 024 ST  
Structure Type: Apartment-Interior  
October 31, 2006

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**The following permits are required for the primary structure:**

A Building permit is required for the amount of \$3,000.00. Note: The fee charged for a Building permit is based on the total amount of estimated labor and material costs.

<input checked="" type="checkbox"/> General Repair	<input checked="" type="checkbox"/> Window Replacement	Interior Inspection.
Fire	Soffits, Gutters, etc.	Requested for the following reason(s) :
Reroof	Kitchen Remodel	
Remove Existing Roof	Bath Remodel	
Reside	Plans required	
Remove existing siding	Fence	
Basement Finish	Decks/Porches	
Retaining Wall	Fire Escape	

Separate Permits required for the following:

Electrical     Plumbing     Mechanical    Wreck

**Special Code Requirements:**

**Electrical Requirements -**

Under 121-142. Chapter 44. Bring electrical service up to code. A licensed, bonded, electrical contractor is required to make repairs. A City of Omaha electrical permit and an inspection by the City Electrical Inspector is required for conformance.

**Plumbing Requirements-**

Under 131-135. Chapter 49. Bring plumbing service up to code. A licensed, bonded, plumbing contractor is required to make repairs. A City of Omaha plumbing permit and an inspection by the City Plumbing Inspector is required for conformance.

**HVAC Requirements-**

Under 111-116. Chapter 40. Replacement of a forced air furnace shall be done by a licensed, bonded, H.V.A.C. contractor. A City of Omaha H.V.A.C. permit and an inspection by the City H.V.A.C. Inspector is required for conformance.

# Violations List

October 31, 2006

Native Omahans Club Inc.  
PO Box 11561  
Omaha, NE 68111

Re: 3821 1/2 N 024 ST  
Inspected by: Kurt Holmstrom  
Structure Type: Apartment

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>
<b>040-106. Permit required.</b> The installation, alteration, repair or replacement of any air conditioning/air distribution system or exhaust system shall not be undertaken within the jurisdiction of the city without a permit issued by the permits and inspections division prior to said installation.	Apartment. All mechanical repairs and alterations must be made by a mechanical contractor, licensed and bonded by the City of Omaha & requires permits and inspections.	Yes
<b>043-101. Generally.</b> 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.	Apartment. Construction work shall remain accessible & exposed for inspections until approved.	
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.		
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.		
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)		

<u>Code Section Violated</u>	<u>Location and Nature of Violation</u>	<u>Unsafe/Unfit Designation</u> <u>Repaired</u>
<p><b>043-71. Required.</b> 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>Apartment. General permits are required.</p>	
<p><b>044-121. Permit required..</b> Before proceeding to install, alter, repair, relocate, affix or suspend any electrical wiring, or to install or connect any equipment or apparatus which requires electrical wiring to be installed, affixed or suspended to make the same operable, for either interior or exterior wiring, a permit shall be obtained by an electrical contractor or a master electrician from the electrical official at the permits and inspections division.</p>	<p>Apartment. All electrical repairs must be made by a electrical contractor, licensed and bonded by the City of Omaha &amp; requires permits and inspections.</p>	<p>Yes</p>
<p><b>048-12 a. Maintenance.</b> 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.</p>	<p>Apartment. Owner.</p>	
<p><b>048-12 e. Maintenance.</b> Mechanical and plumbing systems, both existing and new, and parts thereof shall be maintained in proper operating condition in accordance with the original design and in a safe and sanitary condition. Devices or safeguards required by an applicable code shall be maintained in compliance with the code edition under which installed.</p>	<p>Apartment. Owner.</p>	
<p><b>048-13. Application of other codes.</b> 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.</p>	<p>Apartment. Owner.</p>	
<p><b>048-13. Application of other codes.</b> 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.</p>	<p>Apartment. All city codes apply.</p>	

<u>Code Section Violated</u>	<u>Location and Nature of Violation</u>	<u>Unsafe/Unfit Designation</u>	<u>Repaired</u>
<b>048-15. Workmanship.</b> 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.	Apartment. All repairs, alterations, maintenance work & installations shall be made in a workmanlike manner, and in accordance with manufacturer's installation instructions.		
<b>048-53. Prosecution of violation.</b> 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.	Apartment. Any person failing to comply with a notice shall be prosecuted.		
<b>048-65. Transfer of ownership.</b> 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.	Apartment. Inspector must be noticed of pending transfer of ownership seven (7) days prior to transfer.		
<b>048-71a. General.</b> 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.	Apartment. Dwelling found vacant, open, and vandalized.	Yes	
a. <b>Unsafe Structure.</b> 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.			
<b>048-71b. General.</b> 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.	Apartment. Electrical, plumbing, & mechanical systems are deteriorated.	Yes	
b) <b>Unsafe equipment.</b> 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.			

<u>Code Section Violated</u>	<u>Location and Nature of Violation</u>	<u>Unsafe/Unfit Designation</u> <u>Repaired</u>
<p><b>048-72. Closing of vacant structures.</b> If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a closure placard on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall 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 resource.</p>	<p>Apartment. Structure found vacant open and vandalized.</p>	
<p><b>048-72. Closing of vacant structures.</b> If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a closure placard on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall 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 resource.</p>	<p>Apartment. Structure needs to be secured within 24 hours of receipt of this notice.</p>	<p>Yes</p>
<p><b>048-74. Placarding.</b> 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 or removing the placard.</p>	<p>Apartment. Upon failure to comply within the time given, structure shall be placarded.</p>	
<p><b>048-75. Prohibited occupancy.</b> It shall be unlawful for any person to occupy a placarded premises or to operate placarded equipment, and 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 liable for the penalties provided by this Code.</p>	<p>Apartment. Upon failure to comply within the time given, structure shall be vacated.</p>	

Code Section Violated	Location and Nature of Violation	Unsafe/Unfit Designation Repaired
<p><b>048-81. Imminent danger.</b> When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or 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 such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.</p>	<p>Apartment. This structure is unsafe and its occupancy has been prohibited by the code official.</p>	
<p><b>049-300. Required.</b> It shall be unlawful for any person to begin any job of plumbing until a license holder has secured from the permits and inspections division a permit to do such work; provided that no permit will be required for minor repair work as defined in sections 49-400 and 49-303.</p>	<p>Apartment. All plumbing repairs must be made by a plumbing contractor, licensed and bonded by the City of Omaha and require permits and inspections.</p>	Yes
<p><b>304.1. General.</b> The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary 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.</p>	<p>Apartment. Owner/Occupant.</p>	
<p><b>304.3. Interior surfaces.</b> All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking, or abraded paint shall be repaired, removed, or covered. Cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.</p>	<p>Apartment. Deteriorated floor covering. Rotted carpet, broken floor tile, peeling floor paint.</p>	Yes
<p><b>304.3. Interior surfaces.</b> All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking, or abraded paint shall be repaired, removed, or covered. Cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.</p>	<p>Apartment. Deteriorated ceiling(s), peeling, abraded paint, paper, finish.</p>	
<p><b>304.3. Interior surfaces.</b> All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking, or abraded paint shall be repaired, removed, or covered. Cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.</p>	<p>Apartment. Deteriorated cold air return vent.</p>	



<u>Code Section Violated</u>	<u>Location and Nature of Violation</u>	<u>Unsafe/Unfit Designation</u>	<u>Repaired</u>
<b>304.3. Interior surfaces.</b> All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking, or abraded paint shall be repaired, removed, or covered. Cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.	Apartment. Deteriorated trim, doors, and windows throughout, peeling, abraded paint, finish.		
<b>304.3. Interior surfaces.</b> All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking, or abraded paint shall be repaired, removed, or covered. Cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.	Apartment. Deteriorated kitchen cabinet(s).		
<b>304.3. Interior surfaces.</b> All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking, or abraded paint shall be repaired, removed, or covered. Cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.	Apartment. Deteriorated window(s).		
<b>304.3. Interior surfaces.</b> All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking, or abraded paint shall be repaired, removed, or covered. Cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.	Apartment. Deteriorated wall(s) and ceiling(s).		
<b>304.3. Interior surfaces.</b> All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking, or abraded paint shall be repaired, removed, or covered. Cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.	Apartment. Deteriorated kitchen counter(s).		
<b>304.3. Interior surfaces.</b> All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking, or abraded paint shall be repaired, removed, or covered. Cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.	Apartment. Soiled and abraded interior surfaces including walls, floors, ceilings, window and door surfaces and trim.		
<b>304.4. Stairs and walking surfaces.</b> Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.	Apartment. Deteriorated stairs to second floor.		
<b>304.4. Stairs and walking surfaces.</b> Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.	Apartment. Deteriorated carpet throughout.		
<b>304.4. Stairs and walking surfaces.</b> Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.	Apartment. Deteriorated deck(s).		
<b>304.5. Handrails and guards.</b> Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.	Apartment. Loose handrails and guards on steps.	Yes	
<b>304.5. Handrails and guards.</b> Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.	Apartment. Deteriorated rails on steps.	Yes	

<u>Code Section Violated</u>	<u>Location and Nature of Violation</u>	<u>Unsafe/Unfit Designation</u>	<u>Repaired</u>
<b>304.6</b> . <b>Interior doors.</b> Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.	Apartment. Deteriorated doors and hardware throughout.		
<b>304.6. Interior doors.</b> Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.	Apartment. Deteriorated door(s).		
<b>305.1. Accumulation of rubbish or garbage.</b> All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.	Apartment. Rubbish and garbage throughout.		
<b>501.2. Responsibility.</b> The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this chapter.	Apartment. Owner		
<b>504.1. General.</b> All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.	Apartment. All plumbing repairs must be made by a plumbing contractor, licensed and bonded by the City of Omaha and require permits and inspections.		
<b>504.1. General.</b> All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.	Apartment. Deteriorated plumbing fixtures throughout.	Yes	
<b>504.1. General.</b> All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.	Apartment. Deteriorated tub/shower, faucet, and drain.		
<b>504.3. Plumbing system hazards.</b> Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, back siphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.	Apartment. Non-code plastic plumbing at kitchen/bathroom sink.	Yes	
<b>601.2. Responsibility.</b> The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this chapter.	Apartment. Owner.		

<u>Code Section Violated</u>	<u>Location and Nature of Violation</u>	<u>Unsafe/Unfit Designation</u> <u>Repaired</u>
<p><b>603.1. Mechanical appliances.</b> All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition and shall be capable of performing the intended function.</p>	<p>Apartment. Furnace must be checked by a licensed, bonded contractor with the City of Omaha &amp; requires permits and inspections.</p>	
<p><b>604.3. Electrical system hazards.</b> Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.</p>	<p>Apartment. Broken/missing globes throughout.</p>	Yes
<p><b>701.2. Responsibility.</b> The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.</p>	<p>Apartment. Owner</p>	
<p><b>704.1. Smoke detectors.</b> Existing Group R occupancies not already provided with single-station smoke alarms shall be provided with approved single-station smoke alarms.</p>	<p>Apartment. Broken and or missing smoke detectors.</p>	Yes