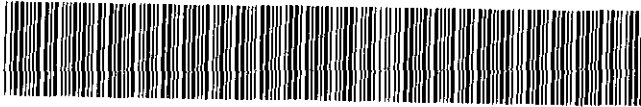


CITY 2007082572



JUL 20 2007 11:52 P 9

Received - DIANE L. BATTIATO  
Register of Deeds, Douglas County, NE  
7/20/2007 11:52:26.75



2007082572

**THIS PAGE INCLUDED FOR INDEXING  
PAGE DOWN FOR BALANCE OF INSTRUMENT**

*W/S* <sup>9/2</sup>  
 FEE *no fee* FB 23-32320  
 BKP \_\_\_\_\_ C/O \_\_\_\_\_ COMP *deu*  
 DEL \_\_\_\_\_ SCAN \_\_\_\_\_ FV \_\_\_\_\_

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



City of Omaha  
Mike Fahey, Mayor

## CODE ENFORCEMENT

### NOTICE OF VIOLATION

June 28, 2007

#### Planning Department

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

Steven N. Jensen, AICP  
Director

John E. Schmidt %Venture Realty  
6235 South 90th Street  
Omaha, NE 68127-4053

Legal Description: S 63' of W 150' of Lot 28 & W 148' of  
Lot 33, Redicks 2nd Addition

This notice concerns the Property at: **907-911 S 025 ST Apartment 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 July 8, 2007. 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.

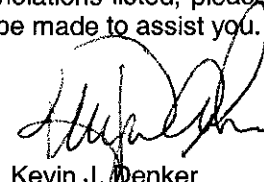
While the necessity of City permits to conduct the necessary work will depend on the method of repair chosen by the Property owner, it presently appears that the following types of permits will have to be obtained from the City to perform the necessary work: , **Plumbing**

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,

  
Roger Carroll  
Code Inspector, 444-5382

  
Kevin J. Denker  
Chief Code Inspector

C: First Real Estate Group, 3510 Dodge Street, Omaha, NE 6813

**The City of Omaha Planning Department  
Housing Division  
Permits and Code Requirements**  
for property address: 907-911 S 025 ST  
Structure Type: Apartment Building-Entire Structure  
June 28, 2007

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**The following permit is required for the primary structure:**

General Repair	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    Y Plumbing    Mechanical    Wreck

**Special Code Requirements:**

**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.

Other requirements: water shut off at entire building

# Violations List

June 28, 2007

John E. Schmidt %Venture Realty  
6235 South 90th Street  
Omaha, NE 68127-4053

Re: 907-911 S 025 ST  
Inspected by: Roger Carroll  
Structure Type: Apartment 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>
<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.	Building Entire. 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)			
<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.	Building Entire. All city codes apply. Building Code, Plumbing Code, Electrical Code, Mechanical Code, Fire Code.		

<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.	Building Entire. All repairs, alterations, maintenance work & installations shall be made in a workmanlike manner, and in accordance with manufacturer's installation instructions.		
<b>048-33 a. Inspections.</b> The code official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise.	Building Entire. Code official shall make all of the required inspections, or shall accept reports of inspection by approved agencies.		
<b>048-33 b. Inspections.</b> The code official shall make a good faith effort to communicate with the owner of a property or his or her authorized agent, in person or by telephone (or by electronic mail, if requested by the owner), prior to inspecting or reinspecting a building or structure; provided, that this duty shall take effect only if the owner or agent has first supplied the City Housing Division with the following: (1) the owner's name; (2) the owner's current address; (3) the owner's current phone number or electronic mail address that can be contacted for purposes of this section; and (4) a statement that the owner owns the property at issue.	Building Entire. Interior inspection requested to all units within ten days of the date of this violation due to water being shut off to the building on 28 June, 2007.		
<b>048-54. Violation penalties.</b> 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.	Building Entire. Any person who violates a provision of this code shall be prosecuted within the limits provided by state or local laws.		Yes
<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.	Building Entire. Inspector must be noticed of pending transfer of ownership seven (7) days prior to transfer.		
<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.	Building Entire. Building is unsafe or unfit. Plumbing system is deteriorated. Water has been shut off the the building and to all apartments in the building.		Yes
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.			

<u>Code Section Violated</u>	<u>Location and Nature of Violation</u>	<u>Unsafe/Unfit Designation</u>	<u>Repaired</u>
<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>	Building Entire. This structure is unsafe and its occupancy has been prohibited by the code official. Water has been turned off the the building. Water is to be on to the building and to all units within 72 hours of the date of this notice of violation or all units are to to be vacated.		Yes
<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>	. A pipe repair permit is required.		
<p><b>049-307. 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>	Building Entire. Plumbing Quad fee		
<p><b>301.1. Scope.</b> The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.</p>	Building Entire. Owner, Manager.		
<p><b>301.2. Responsibility.</b> 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.</p>	Building Entire. Owner / Manager		
<p><b>302.4. Weeds.</b> All premises and exterior property shall be maintained free from weeds or plant growth in excess of 10 inches (254 mm). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.</p>	Building Entire. Overgrown vegetation is more than 10" high throughout property; broken, trash trees; trees against house foundation.		

<u>Code Section Violated</u>	<u>Location and Nature of Violation</u>	<u>Unsafe/Unfit Designation</u>	<u>Repaired</u>
<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>Building Entire. Owner. Unsanitary throughout structure, garbage at the common areas. Trash on the hall floors. Carpets are soiled. All trash and rubbish to be removed within 72 hours of the date of this notice of violation. Failure to comply will result in criminal citation</p>	Yes	
<p><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.</p>	<p>Building Entire. Unsanitary conditions including rubbish and garbage at the exterior premises, including non permitted building materials, motor vehicle rubbish including car parts, tires, paper litter. All rubbish and garbage on the exterior grounds, and the interior common areas shall be placed in covered containers for removal within 72 hours of the date of this notice of violation.</p>	Yes	
<p><b>305.2.1. Rubbish storage facilities.</b> The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.</p>	<p>Building Entire. Removal, by the owner, of all rubbish littering the interior of the building, paper litter, broken, rotted clothing, furniture, tools, including at all floors, and at basements, and all storage areas. Dumpsters are overflowing. All overful dumpsters are to be emptied within 72 hours of the date of this notice of violation.</p>	Yes	

<u>Code Section Violated</u>	<u>Location and Nature of Violation</u>	<u>Unsafe/Unfit Designation</u>	<u>Repaired</u>
<b>305.3.2. Containers.</b> The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leak-proof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.	Building Entire. Occupant. All garbage not in covered trash cans for removal including rubbish and animal or vegetable waste, paper litter, cardboard, boxes, tin cans, metal, glass, rubber, leather, rags, tree branches, and other similar materials. All overful dumpsters are to be emptied within 72 hours of the date of this notice of violation.	Yes	
<b>402.2. Common halls and stairways.</b> Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19 m2) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, means of egress, including exterior means of egress stairways, shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of 1 foot-candle (11 lux) at floors, landings and treads.	Building Entire. Broken lighting fixture in common hall and stairway in multi unit residence. Including at rear stair well in 709. All stair well lights to be on within 72 hours of the date of this notice of violation.	Yes	
<b>501.1. Scope.</b> The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.	Building Entire. Owner	Yes	
<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.	Building Entire. Owner	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.	Building Entire. Plumbing system must be checked by a licensed, bonded plumbing contractor with the City of Omaha and the report given to the inspector.	Yes	
<b>505.1. General.</b> Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the International Plumbing Code.	Building Entire. No MUD service. Water is shut off to the building and to all units.	Yes	



<u>Code Section Violated</u>	<u>Location and Nature of Violation</u>	<u>Unsafe/Unfit Designation</u>	<u>Repaired</u>
<p><b>505.3. Supply.</b> The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely and free from defects and leaks.</p>	<p>Building Entire. Plumbing fixtures not properly connected to public system include the kitchen sink, the bathroom lavatory, the bathroom toilet, the bathroom tub, the washing machine basement hookup. Water to apartments is shut off at the city service.</p>	Yes	
<p><b>505.4. Water heating facilities.</b> Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 120 degrees F (49 C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.</p>	<p>Building Entire. Inadequate water heater for occupancy. Hot water heater to be checked by licensed contractor for safe operation.</p>	Yes	
<p><b>505.4. Water heating facilities.</b> Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 120 degrees F (49 C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.</p>	<p>Building Entire. Inadequate water heater for occupancy. Hot water heaters to be checked for proper size for occupancy.</p>	Yes	
<p><b>506.1. General.</b> All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.</p>	<p>Building Entire. Non-working, overflowing toilets system. Water has been shut off to the building. Toilets are not working.</p>	Yes	