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Received - DIANE L. BATTIATO

Register of Deeds, Douglas County, NE

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**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

January 18, 2008

#### 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  
5630 South 21st Street  
Omaha, NE 68107

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 S 025 ST Apt. No. 2B Apartment Interior 2.**

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 March 18, 2008. 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: **BuildingElectrical,**

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,

  
Mike Johnson  
Code Inspector, 402-444-5446

  
Kevin J. Denker  
Chief Code Inspector

C:

**The City of Omaha Planning Department  
Housing Division  
Permits and Code Requirements**  
for property address: 907 S 025 ST Apt. No. 2B  
Structure Type: Apartment-Interior 2-Apt.2B  
January 18, 2008

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

A Building permit is required for the amount of \$1,200.00. Note: The fee charged for a Building permit is based on the total amount of estimated labor and material costs.

<u>Y</u> 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:

Y 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.

# Violations List

January 18, 2008

John E. Schmidt  
5630 South 21st Street  
Omaha, NE 68107

Re: 907 S 025 ST Apt. No. 2B  
Inspected by: Mike Johnson  
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/Repaired</u>
<p><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.</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>Apartment 2B. Construction work shall remain accessible &amp; exposed for inspections until approved.</p>	
<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 2B. General repair permit is required before work is started.</p>	

<u>Code Section Violated</u>	<u>Location and Nature of Violation</u>	<u>Unsafe/Unfit Designation</u> <u>Repaired</u>
<p><b>043-91. Permit Fees.</b> 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>Apartment 2B. Fee shall be assessed in accordance with the provisions of this sections.</p>	
<p><b>043-94. Commencing work without permit.</b> 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>Apartment 2B. 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><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 2B. An Electrical contractor, that is licensed and bonded by the City of Omaha, must make all electrical repairs. Appropriate electrical permits and inspections are required</p>	Yes
<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 2B. All city codes apply.</p>	
<p><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.</p>	<p>Apartment 2B. All repairs, alterations, maintenance work &amp; installations shall be made in a workmanlike manner, and in accordance with manufacturer's installation instructions.</p>	

<u>Code Section Violated</u>	<u>Location and Nature of Violation</u>	<u>Unsafe/Unfit Designation</u> <u>Repaired</u>
<b>048-31. General.</b> The code official shall enforce the provisions of this code.	Apartment 2B. This code will be enforced.	
<b>048-34. Right of entry.</b> 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.	Apartment 2B. The code official is authorized to enter the structure or premises at reasonable times.	
<b>048-51. Unlawful acts.</b> It shall be unlawful for a person, firm or corporation to be in conflict with or in violations of any of the provisions of this code.	Apartment 2B. Any violation of any provision of this code is unlawful.	
<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 2B. Any person failing to comply with a notice shall be prosecuted.	
<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.	Apartment 2B. Any person who violates a provision of this code shall be prosecuted within the limits provided by state or locals laws.	
<b>048-61. Notice to owner or to person or persons responsible.</b> 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.	Apartment 2B. Owner	
<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 2B. Inspector must be noticed of pending transfer of ownership seven (7) days prior to transfer.	

<u>Code Section Violated</u>	<u>Location and Nature of Violation</u>	<u>Unsafe/Unfit Designation</u>	<u>Repaired</u>
<p><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.</p> <p>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.</p>	Apartment 2B. No working smoke detectors.	Yes	
<p><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.</p> <p>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.</p>	Apartment 2B. Deteriorated kitchen cabinets.	Yes	
<p><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.</p> <p>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.</p>	Apartment 2B. Water leaking through ceilings and walls. Water soaked floors.	Yes	
<p><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.</p> <p>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.</p>	Apartment 2B. Deteriorated range hood.	Yes	
<p>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.</p>			

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<p><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.</p> <p>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.</p>	Apartment 2B. Bathroom exhaust fan is blocked off and not working.	Yes	
<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>	Apartment 2B. Apartment is to remain vacant until all repairs and inspections are final.		
<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>	Apartment 2B. Upon failure to comply within the time given, structure shall be placarded.		
<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>	Apartment 2B. Upon failure to comply within the time given, structure shall be placarded.		
<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>	Apartment 2B. Occupancy is prohibited until all required permits have been obtained, all repairs have been completed, all final inspections have been completed.		
<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>	Apartment 2B. Upon failure to comply with repairs as ordered within the time directed in this Notice of Violation, structure shall be vacated.		



<u>Code Section Violated</u>	<u>Location and Nature of Violation</u>	<u>Unsafe/Unfit Designation</u>	<u>Repaired</u>
<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.	Apartment 2B. Water leaking through ceilings and walls. Water soaked floors.	Yes	
<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.	Apartment 2B. Owner	Yes	
<b>301.3. Vacant structures and land.</b> 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.	Apartment 2B. Owner. Upon structure being vacated, it must be maintained in a clean, safe, secure, and sanitary condition.	Yes	
<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.	Apartment 2B. Owner. Unsanitary throughout apartment. Water damage. Filth. Soiled deteriorated floors, walls, ceilings, cabinets, doors, windows.	Yes	
<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 2B. Deteriorated kitchen cabinets.	Yes	
<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 2B. Water damaged, water soaked, unsanitary floor covering.	Yes	

<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 2B. Unsanitary throughout.	Yes	
<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 2B. Broken interior door.	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 2B. Owner.	Yes	
<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.	Apartment 2B. Deteriorated, unsanitary kitchen range hood.	Yes	
<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.	Apartment 2B. Bathroom exhaust fan is blocked off and not working.	Yes	