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City FEE Nosels 18-35680

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Received - DIANE L. BATTIATO Register of Deeds, Douglas County, NE 8/2/2010 13:09;23.06

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

Check Number



### NOTICE OF VIOLATION

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

Planning Department

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

TOTICE OF VIOLAT

July 9, 2010

MARK MARSHALL C/O JONATHAN MARSHALL 2142 S 35 AV OMAHA, NE 68105 Parcel No.: 1673000222

Legal Description: LOTS 1 AND 2, BLOCK 3, IN

CHULL'S ADDITION

This notice concerns the Property at: 1110 S 024 ST Commercial Building Exterior.

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

You are ordered to repair or cure the said violations by September 7, 2010. 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: **Building** 

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.

1"/

C:

ode Inspector, 402-444-7735

Kevin J∄Denker

Chief Code Inspector

Occupant(s) of 1110 S. 24 St., Omaha, NE 68108

# The City of Omaha Planning Department Housing Division

## **Permits and Code Requirements**

for property address: 1110 S 024 ST Structure Type: Commercial Building-Exterior

July 9, 2010

The following permit is 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.

Y General Repair

Window Replacement

Interior Inspection.

Fire

Soffits, Gutters, etc.

Kitchen Remodel

Requested for the following reason(s):

Reroof
Remove Exisiting Roof

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

Wreck

# **Violations List**

July 9, 2010

MARK MARSHALL C/O JONATHAN MARSHALL 2142 S 35 AV OMAHA, NE 68105

Re: 1110 S 024 ST

Inspected by: Yvonne Barna

Structure Type: Commercial Building

Violations and corrective action:

#### **Owner Violation List items**

#### **Code Section Violated**

Location and Nature of Violation

Unsafe/Unfit **DesignationRepaired** 

043-101. Generally, All construction or work for which a permit is Building Exterior. Construction required shall be subject to inspection by the building official and all work shall remain accessible & such construction or work shall remain accessible and exposed for exposed for inspections until inspection purposes until approved by the building official. In addition, approved. certain types of construction shall have special inspection as specified in the building code as adopted by this jurisdiction.

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)

043-71. Required. Except as specified in section 43-72 of this Code, Building no building or structure regulated by this Code shall be erected, repair permits are required for constructed, enlarged, altered, repaired, moved, improved, removed, roof replacement, exterior and converted or demolished unless a separate permit for each building or interior wall surface repair, structure has first been obtained from the building official. (Ord. No. 33582 SS 1(43-71), 6-27-95)

Exterior. General window and door repair. non-structural replacement.

(1)

1110 S 024 ST

#### Location and Nature of Violation

#### **Code Section Violated**

043-71. Required. Except as specified in section 43-72 of this Code, Building no building or structure regulated by this Code shall be erected. Repair-Building permit required constructed, enlarged, altered, repaired, moved, improved, removed, when repair labor and materials converted or demolished unless a separate permit for each building or are valued over \$500. structure has first been obtained from the building official. (Ord. No. 33582 SS 1(43-71), 6-27-95)

Exterior. General

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

the provisions of this sections.

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.

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

#### Code Section Violated

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

048-12a. Maintenance. Equipment, systems, devices and safeguards Building Exterior. Owner. 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.

048-13. Application of other codes. Repairs, additions or alterations Building Exterior. All city codes to a structure, or changes of occupancy, shall be done in accordance apply. with the procedures and provisions of the City's Building Code, Plumbing Plumbing Code, Mechanical Code, Fuel Gas Code, Fire Code and Code, Mechanical Code, Fire Electrical Code, all as defined in this code. Nothing in this code shall be Code. construed to cancel, modify or set aside any provisions of Chapter 55 of the Omaha Municipal Code.

Building Code. Code.

048-15. Workmanship. Repairs, maintenance work, alterations or Building Exterior. All repairs, installations which are caused directly or indirectly by the enforcement alterations, maintenance work of this code shall be executed and installed in a workmanlike manner & installations shall be made in and installed in accordance with the manufacturer's installation a workmanlike manner, and in instructions.

accordance with manufacturer's installation instructions.

# Designation Repaired

048-25. Fees. The fees for activities and services performed by the city Building Exterior. Owner. Fee in carrying out its responsibilities under this code shall be as indicated in shall apply. the following schedule:

Reinspection, charged once for each notice per dwelling unit \$41.00

048-33a. Inspections. The code official shall make all of the required Building Exterior. Code official inspections, or shall accept reports of inspection by approved agencies shall make all of the required or individuals. All reports of such inspections shall be in writing and be inspections, or shall accept certified by a responsible officer of such approved agency or by the reports responsible individual. The code official is authorized to engage such approved agencies. expert opinion as deemed necessary to report upon unusual technical issues that arise.

inspection of

048-34. Right of entry. The code official is authorized to enter the Building Exterior. The code structure or premises at reasonable times to inspect subject to official is authorized to enter the constitutional restrictions on unreasonable searches and seizures. If structure entry is refused or not obtained, the code official is authorized to pursue reasonable times. recourse as provided by law.

or

048-44. Material and equipment reuse. Materials, equipment and Building Exterior. Owner. devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and approved.

Unlawful acts. It shall be unlawful for a person, firm or Building Exterior. Any violation corporation to be in conflict with or in violations of any of the provisions of any provision of this code is of this code.

unlawful.

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

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

locals laws.

048-61. Notice to owner or to person or persons responsible. Building Whenever the code official determines that there has been a violation of Owner/Occupant 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.

Exterior.

# Designation Repaired

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

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

Exterior. Decayed,

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 Building Exterior. Deteriorated code official to be unsafe, or when a structure is found unfit for human siding and trim. 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.

048-71a. General. When a structure or equipment is found by the Building Exterior. Deteriorated code official to be unsafe, or when a structure is found unfit for human and damaged exterior doors. 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.

Unsafe/Unfit Designation Repaired

048-71a. General. When a structure or equipment is found by the Building Exterior. Deteriorated code official to be unsafe, or when a structure is found unfit for human windows throughout. 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.

048-71a. General. When a structure or equipment is found by the Building Exterior. Deteriorated code official to be unsafe, or when a structure is found unfit for human fence. 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.

048-71a. General. When a structure or equipment is found by the Building Exterior. Deteriorated code official to be unsafe, or when a structure is found unfit for human roof system, soffits and fascia. 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.

048-74. Placarding. Upon failure of the owner or person responsible to Building Exterior. Upon failure comply with the notice provisions within the time given, the code official to comply within the time given, shall post on the premises or on defective equipment a placard reading structure shall be placarded. "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.

048-75. Prohibited occupancy. It shall be unlawful for any person to Building Exterior. Upon failure occupy a placarded premises or to operate placarded equipment, and to comply with repairs as for any owner or any person responsible for the premises to let anyone ordered within the time directed occupy a placarded premises or operate placarded equipment. Such in this Notice of Violation, persons shall be subject to the penalties set out in section 1-10 of this structure shall be vacated. Code.

#### **Location and Nature of Violation**

#### Code Section Violated

048-76. Removal of placard. The code official shall remove the Building placard whenever the defect or defects upon which the placard was Danger-closed sign shall not be based have been eliminated. Any person who defaces or removes a removed until directed by the placard without the approval of the code official shall be subject to the City of Omaha. penalties provided by this Code.

Exterior.

**048-77**. **Filing with Register of Deeds.** If a notice declaring a property Building Exterior. unsafe or unfit for human occupancy is unsuccessfully appealed or if determined to be unfit/unsafe. the time for such appeal has passed without the filing of such appeal, then the code official may file the said notice against the property with the Register of Deeds. Upon correction of the relevant violations, the code official shall file a release of the notice with the Register of Deeds. without cost to the owner.

301.2. Responsibility. The owner of the premises shall maintain the Building 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.

Exterior. Owner.

Vacant structures and land. All vacant structures and Building Exterior. Owner. 301.3. premises thereof or vacant land shall be maintained in a clean, safe, structure is to be vacated, it secure and sanitary condition as provided herein so as not to cause a must be maintained in a clean, blighting problem or adversely affect the public health or safety.

safe, secure, and sanitary condition.

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

Yes

302.3. Sidewalks and driveways. All sidewalks, walkways, stairs, Building driveways, parking spaces and similar areas shall be kept in a proper and/or state of repair, and maintained free from hazardous conditions.

Exterior. Cracked upheaved driveway. sidewalks, and parking spaces.

Yes

302.4. Weeds. All premises and exterior property shall be maintained Building Exterior. Overgrown free from weeds or plant growth in excess of 10 inches (254 mm). All vegetation is more than 10" noxious weeds shall be prohibited. Weeds shall be defined as all high throughout property and grasses, annual plants and vegetation, other than trees or shrubs along building. provided; however, this term shall not include cultivated flowers and gardens.

Accessory structures. All accessory structures, including Building Exterior. Deteriorated 302.7. detached garages, fences and walls shall be maintained structurally fence. sound and in good repair.

Yes

302.8. Motor vehicles. Except as provided for in other regulations, no Building Exterior. Inoperative, inoperative or unlicensed motor vehicle shall be parked, kept or stored unlicensed motor vehicle, motor on any premises, and no vehicle shall at any time be in a state of major vehicle litter. disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

302.9. Defacement of property. No person shall willfully or wantonly Building Exterior. Graffiti on damage, mutilate or deface any exterior surface of any structure or main structure. building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

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

Exterior. Owner. disrepair, unsanitary and is a blighting influence on neighborhood.

Yes

304.13. Window, skylight and door frames. Every window, skylight, Building Exterior. Deteriorated door and frame shall be kept in sound condition, good repair and weather tight.

window sash, jambs, troughs and sills including abraded and peeling surface paint.

Yes

304.13.1. Glazing. All glazing materials shall be maintained free from Building cracks and holes.

Exterior. Broken missing window glass and glazing putty at windows and doors.

Yes

304.15. Doors. All exterior doors, door assemblies and hardware shall Building Exterior. Deteriorated be maintained in good condition. Locks at all entrances to dwelling and damaged garage doors. units, rooming units and guest rooms shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

Yes

304.15. Doors. All exterior doors, door assemblies and hardware shall Building Exterior. Deteriorated be maintained in good condition. Locks at all entrances to dwelling exterior passageway doors. units, rooming units and guest rooms shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

Yes

304.15. Doors. All exterior doors, door assemblies and hardware shall Building Exterior. Deteriorated be maintained in good condition. Locks at all entrances to dwelling garage doors. units, rooming units and guest rooms shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

Yes

(8)

requirement.

304.2. Protective treatment. All exterior surfaces, including but not Building Exterior. Deteriorated limited to, doors, door and window frames, cornices, porches, trim, siding and trim. balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights shall be maintained, weather resistant and water-tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this

Yes

304.2. Protective treatment. All exterior surfaces, including but not Building limited to, doors, door and window frames, cornices, porches, trim, surfaces are not coated to balconies, decks and fences shall be maintained in good condition. inhibit rust and corrosion. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights shall be maintained, weather resistant and water-tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

Exterior. Metal Yes

304.3. Premises identification. Buildings shall have approved address Building numbers placed in a position to be plainly legible and visible from the address numbers on structure. street or road fronting the property. These numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).

304.6. Exterior walls. All exterior walls shall be free from holes, breaks. Building Exterior. Deteriorated and loose or rotting materials; and maintained, weatherproof and trim. properly surface coated where required to prevent deterioration.

Yes

304.7. Roofs and drainage. The roof and flashing shall be sound, tight Building Exterior. Deteriorated and not have defects that admit rain. Roof drainage shall be adequate roof covering. 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.

Yes

Location and Nature of Violation

Unsafe/Unfit **Designation** Repaired

304.7. Roofs and drainage. The roof and flashing shall be sound, tight Building Exterior. Deteriorated and not have defects that admit rain. Roof drainage shall be adequate soffits and fascia. 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.

Yes

1110 S 024 ST

(10)