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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., Suite 1003
Omaha, NE 68183**

CHECK NUMBER





City of Omaha
Jean Stothert, Mayor

NOTICE OF VIOLATION
October 25, 2013

Planning Department

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

James R. Thele
Director

New Fashion Carpet & Flooring Inc.
4537 S. 134 Ave.
OMAHA, ne 68137

Parcel No.: 1777000004
Legal Description: The West 50' of Lots 9 &
10, Block 133, South Omaha City Lots

This notice concerns the Property at: **4327 S 022 ST Apt. No. 3 Apartment #3 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 24, 2013. 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:

Any person directly affected by this notice may appeal to the Omaha Building Board of Review by filing a written appeal application form and \$108.00 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,

Joseph Adriano
Code Inspector, 402-444-5150 x 2108

Kevin J. Denker
Chief Code Inspector

C: US Bank, 400 City Center, Oshkosh, WI 54901
Occupant(s) of 4327 S. 22 St. #3, Omaha, NE 68107

The City of Omaha Planning Department
Housing Division
Permits and Code Requirements
for property address: 4327 S 022 ST Apt. No. 3
Structure Type: Apartment #3-Interior
October 25, 2013

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

Separate Permits required for the following:

- Electrical Plumbing Mechanical Wreck

Other requirements: No permits required to re-connect power from OPPD

Violations List

October 25, 2013

New Fashion Carpet & Flooring Inc.
4537 S. 134 Ave.
OMAHA, ne 68137

Re: 4327 S 022 ST Apt. No. 3
Inspected by: Joseph Adriano
Structure Type: Apartment #3

Owner Violation List items and Corrective Actions

Code Section Violated	Location and Nature of Violation	Unsafe/Unfit Designation
<p>043-101. Generally. 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 #3 Interior Construction work shall remain accessible & exposed for inspections until approved.</p>	
<p>048-12a. Maintenance. 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 #3 Interior . Owner.</p>	

Code Section Violated	Location and Nature of Violation	Unsafe/Unfit Designation
048-13. Application of other codes. 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.	Apartment #3 Interior . All city codes apply.	

Code Section Violated	Location and Nature of Violation	Unsafe/Unfit Designation
048-15. Workmanship. 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 #3 Interior . All repairs, alterations, maintenance work & installations shall be made in a workmanlike manner, and in accordance with manufacturer's installation instructions.	

Code Section Violated	Location and Nature of Violation	Unsafe/Unfit Designation
048-19. Cosmetic deficiencies. Notwithstanding provisions of this code, the city shall require repair of cosmetic deficiencies such as chipped or peeling paint, deteriorating tuck pointing and cracked or flaking interior walls or ceilings, only if such a deficiency either (a) affects at least 25 percent of the surface in question, or (b) presents a serious health or safety risk to occupants or the public.	Apartment #3 Interior . Owner	

Code Section Violated	Location and Nature of Violation	Unsafe/Unfit Designation
048-25. Fees. The fees for activities and services performed by the city in carrying out its responsibilities under this code shall be as indicated in the following schedule:	Apartment #3 Interior . Owner. Fee shall apply.	

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

Code Section Violated	Location and Nature of Violation	Unsafe/Unfit Designation
048-34. Right of entry. 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 #3 Interior . The code official is authorized to enter the structure or premises at reasonable times.	

Code Section Violated	Location and Nature of Violation	Unsafe/Unfit Designation
048-51. Unlawful acts. 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 #3 Interior . Any violation of any provision of this code is unlawful.	

Code Section Violated	Location and Nature of Violation	Unsafe/Unfit Designation
048-53. Prosecution of violation. 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 #3 Interior . Any person failing to comply with a notice shall be prosecuted.	

Code Section Violated	Location and Nature of Violation	Unsafe/Unfit Designation
048-54. Violation penalties. 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 #3 Interior . Any person who violates a provision of this code shall be prosecuted within the limits provided by state or local laws.	

Code Section Violated	Location and Nature of Violation	Unsafe/Unfit Designation
048-65. Transfer of ownership. 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 #3 Interior . Inspector must be noticed of pending transfer of ownership seven (7) days prior to transfer.	

Code Section Violated	Location and Nature of Violation	Unsafe/Unfit Designation
048-71a. General. 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 #3 Interior . Unsafe structure. Not connected to all services required.	Yes

a. **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.

Code Section Violated	Location and Nature of Violation	Unsafe/Unfit Designation
048-71a. General. 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 #3 Interior . Unsanitary conditions throughout.	Yes

a. **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.

Code Section Violated	Location and Nature of Violation	Unsafe/Unfit Designation
048-74. Placarding. 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, removing the placard, or failing to close the premises or keep the premises closed.	Apartment #3 Interior . Upon failure to comply within the time given, structure shall be placarded.	

Code Section Violated	Location and Nature of Violation	Unsafe/Unfit Designation
048-75. Prohibited occupancy. 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 subject to the penalties set out in section 1-10 of this Code.	Apartment #3 Interior . Upon failure to comply with in time given Structure shall be vacated and occupancy prohibited.	Yes

Code Section Violated	Location and Nature of Violation	Unsafe/Unfit Designation
048-75. Prohibited occupancy. 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 subject to the penalties set out in section 1-10 of this Code.	Apartment #3 Interior . Upon failure to comply with repairs as ordered within the time directed in this Notice of Violation, structure shall be vacated. Occupancy is prohibited.	Yes

Code Section Violated	Location and Nature of Violation	Unsafe/Unfit Designation
<p>048-81. Imminent danger. 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 or allow any use of such structure or the premises upon which it is located, except for the purpose of securing the premises, making the required repairs, removing the hazardous condition or of demolishing the same.</p>	<p>Apartment #3 Interior Occupant(s) of this occupied and dangerous structure to be vacated within 10 days of the date of the notice of violation.</p>	Yes

Code Section Violated	Location and Nature of Violation	Unsafe/Unfit Designation
<p>048-81. Imminent danger. 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 or allow any use of such structure or the premises upon which it is located, except for the purpose of securing the premises, making the required repairs, removing the hazardous condition or of demolishing the same.</p>	<p>Apartment #3 Interior Structure is not connected to all public utilities.</p>	Yes

Code Section Violated	Location and Nature of Violation	Unsafe/Unfit Designation
<p>048-81. Imminent danger. 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 or allow any use of such structure or the premises upon which it is located, except for the purpose of securing the premises, making the required repairs, removing the hazardous condition or of demolishing the same.</p>	Apartment #3 Interior Unsanitary throughout.	Yes

Code Section Violated	Location and Nature of Violation	Unsafe/Unfit Designation
<p>048-81. Imminent danger. 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 or allow any use of such structure or the premises upon which it is located, except for the purpose of securing the premises, making the required repairs, removing the hazardous condition or of demolishing the same.</p>	Apartment #3 Interior . This structure is unsafe and its occupancy has been prohibited by the code official.	Yes

Code Section Violated	Location and Nature of Violation	Unsafe/Unfit Designation
<p>301.2. Responsibility. 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>	Apartment #3 Interior . Owner	

Code Section Violated	Location and Nature of Violation	Unsafe/Unfit Designation
301.3. Vacant structures and land. 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 #3 Interior . Owner and / or person(s) responsible. If structure is to be vacated, it must be maintained in a clean, safe, secure, and sanitary condition.	Yes
302.1. Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.	Apartment #3 Interior . Owner and / or person(s) responsible. Exterior property area not in clean, safe and sanitary condition.	Yes
302.1. Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.	Apartment #3 Interior . Owner and / or person(s) responsible. Litter and/or debris on exterior property and premises.	Yes
302.1. Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.	Apartment #3 Interior . Owner and / or person(s) responsible. Vehicle parts stored in rear yard are in violation of Sec.18-26 and Sec.18-42 of the Omaha Nuisances Code and must be removed.	Yes
302.3. Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.	Apartment #3 Interior . Cracked and/or upheaved stairs.	Yes



City of Omaha
Jean Stothert, Mayor

ORDER TO VACATE

October 25, 2013

Planning Department

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

James R. Thele
Director

Occupant(s) of:
4327 S 022 ST, Apt. No.#3
Omaha, NE 68107

This order concerns the Property at 4327 S 022 ST , Apt. No.#3 - Apartment #3 Interior

You are ordered to vacate this Property by November 5, 2013 because this Property presents dangers to its occupants and users. Omaha Municipal Code section 48-81 makes it unlawful to enter the structure, except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

Any person directly affected by this order may appeal to the Omaha Building Board of Review by filing a written appeal application form and \$108.00 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 order (add an additional three business days if this order was sent by regular mail). The appeal application shall state all grounds for objection to this order. While the filing of an appeal will entitle you to a hearing before the Board, due to the emergency nature of this order you are still required to vacate the premises by the date stated above.

If you desire clarification of this order, 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,

Joseph Adriano
Code Inspector
402-444-5150 x 2108

Kevin Denker
Chief Code Inspector
402-444-5150 ext 2101

C: New Fashion Carpet & Flooring Inc. 4537 S. 134 Ave. oMAHA, ne 68137