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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**

Check Number

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City of Omaha  
Mike Fahey, Mayor

## 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

## NOTICE OF VIOLATION

February 18, 2009

David A. Kousgaard  
1505 North 138th Street  
Omaha, NE 68154

Parcel No.: 1985000025  
Legal Description: W 140' of N 100' of Lot 2, Block 1,  
West Omaha Addition

This notice concerns the Property at: **3625 DEWEY AV Laundry room 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 April 19, 2009. 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, 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 \$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.

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: 3625 DEWEY AV

Structure Type: Laundry room-Interior

February 18, 2009

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

A Building permit is required for the amount of \$1,000.00. Note: The fee charged for a Building permit is based on the total amount of estimated labor and material costs.

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

Separate Permits required for the following:

Electrical    Plumbing   Mechanical   Wreck

**Special Code Requirements:**

**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.

# Violations List

February 18, 2009

David A. Kousgaard  
1505 North 138th Street  
Omaha, NE 68154

Re: 3625 DEWEY AV  
Inspected by: Mike Johnson  
Structure Type: Laundry room

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>043-71. 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)	Laundry room. General repair permit required before repairs are started.	
<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.	Laundry room. Fee shall be assessed in accordance with 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.		

<u>Code Section Violated</u>	<u>Location and Nature of Violation</u>	<u>Unsafe/Unfit Designation</u> <u>Repaired</u>
<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)	Laundry room. Whenever any work for which a permit is required has been commenced without first obtaining said permit a penalty fee shall be assessed.	
<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.	Laundry room. All city codes apply.	
<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.	Laundry room. All repairs, alterations, maintenance work & installations shall be made in a workmanlike manner, and in accordance with manufacturer's installation instructions.	
<b>048-31. General.</b> The code official shall enforce the provisions of this code.	Laundry room. 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.	Laundry room. The code official is authorized to enter the structure or premises at reasonable times.	
<b>048-43. Required testing.</b> Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the code official shall have the authority to require tests to be made as evidence of compliance at no expense to the city.	Laundry room. Plumbing permit PLB-04-00397 needs to have a final inspection.	
a) Test methods. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official or building board of review shall determine the testing procedures.		
b) Testing agency. All tests shall be performed by an approved agency.		
c) Test reports. Reports of tests shall be retained by the code official for the period required for retention of public records.		
<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.	Laundry room. Any violation of any provision of this code is unlawful.	

Code Section Violated	Location and Nature of Violation	Unsafe/Unfit Designation Repaired
<p><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.</p>	<p>Laundry room. Any person failing to comply with a notice shall be prosecuted.</p>	
<p><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.</p>	<p>Laundry room. Any person who violates a provision of this code shall be prosecuted within the limits provided by state or local laws.</p>	
<p><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.</p>	<p>Laundry room. Owner</p>	
<p><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.</p>	<p>Laundry room. Inspector must be noticed of pending transfer of ownership seven (7) days prior to transfer.</p>	
<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>Laundry room. Deteriorated fire rated ceiling and walls.</p>	<p>Yes</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>		

<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>	Laundry room. Open plumbing waste piping.	Yes	
<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, removing the placard, or failing to close the premises or keep the premises closed.</p>	Laundry room. 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 subject to the penalties set out in section 1-10 of this Code.</p>	Laundry room. Upon failure to comply with repairs as ordered within the time directed in this Notice of Violation, structure shall be vacated. Occupancy is prohibited.		
<p><b>048-76. Removal of placard.</b> The code official shall remove the placard whenever the defect or defects upon which the placard was based have been eliminated. Any person who defaces or removes a placard without the approval of the code official shall be subject to the penalties provided by this Code.</p>	Laundry room. Danger-closed sign shall not be removed until directed by the City of Omaha.		
<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 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>	Laundry room. Deteriorated fire rated ceiling and walls.	Yes	

Code Section Violated	Location and Nature of Violation	Unsafe/Unfit Designation Repaired
<p><b>049-300. Required.</b> It shall be unlawful for any person to begin any job of plumbing until a license holder has secured from the permits and inspections division a permit to do such work; provided that no permit will be required for minor repair work as defined in sections 49-400 and 49-303.</p>	<p>Laundry room. All plumbing repairs must be made by a plumbing contractor, licensed and bonded by the City of Omaha. Appropriate plumbing permits and inspections are required.</p>	
<p><b>049-303. Exception for minor repair work.</b> No permit shall be required under the provisions of this article for repairs which involve only the working parts of a faucet or valve, clearance of stoppages, or repairing or replacement of defective faucets or valves; minor repairs of water conditions appliances or minor repairs of a lawn sprinkler system; provided the alterations are not made in the existing piping or fixtures and appliances. It shall be unlawful for any person, including firms and corporations, to perform minor repair work without first having obtained a license as required; provided that the owner of the property and his or her employees may perform minor repair work on that property.</p> <p>In buildings or premises where a list of deficiency by a housing inspector of the Planning Department because of unsanitary condition of the plumbing system, or parts thereof, the alterations of such system shall not be considered as repair, but as new work.</p> <p>In buildings or premises condemned by a housing inspector of the Planning Department the plumbing system shall be required to meet all current standards of this chapter.</p>	<p>Laundry room. In any structure where a deficiency list has been issued because of unsanitary conditions of the plumbing system by the Planning Department, any alterations to the system shall be considered as new work and a plumbing permit is required.</p>	
<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>	<p>Laundry room. Owner. Deteriorated laundry room</p>	<p>Yes</p>
<p><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.</p>	<p>Laundry room. Owner. Upon structure being vacated, it must be maintained in a clean, safe, secure, and sanitary condition.</p>	
<p><b>305.1. 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>Laundry room. Owner. Deteriorated laundry room</p>	<p>Yes</p>



<u>Code Section Violated</u>	<u>Location and Nature of Violation</u>	<u>Unsafe/Unfit Designation</u> <u>Repaired</u>
<b>305.3. 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.	Laundry room. Deteriorated and abraded walls and ceilings throughout laundry room.	Yes
<b>305.3. 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.	Laundry room. Peeling and abraded surfaces on piping throughout laundry room.	
<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.	Laundry room. A person shall not occupy as owner occupant or permit another person to occupy premises which do not comply.	Yes
<b>504.3. Plumbing system hazards.</b> Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, back siphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.	Laundry room. Open plumbing waste pipes. PVC piping at laundry sink is non code.	Yes
<b>504.3. Plumbing system hazards.</b> Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, back siphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.	Laundry room. There is a plumbing permit # PLM 04-00397 that has no final inspection.	
<b>701.2. Responsibility.</b> The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.	Laundry room. A person shall not occupy as owner occupant or permit another person to occupy premises which do not comply.	Yes
<b>703.1. Fire-resistance-rated .</b> The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.	Laundry room. Deteriorated and abraded fire rating at walls and ceilings throughout laundry room.	Yes
<b>704.1. Smoke detectors.</b> Existing Group R occupancies not already provided with single-station smoke alarms shall be provided with approved single-station smoke alarms.	Laundry room. Missing and non working smoke detectors throughout.	Yes