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Received - DIANE L. BATTIATO  
Register of Deeds, Douglas County, NE  
2/24/2015 08:31:42.52



2015012993

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**THIS PAGE INCLUDED FOR INDEXING**  
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RETURN TO: **City of Omaha**  
**Planning Department**  
**Code Enforcement**  
**1819 Farnam St., Suite 1003**  
**Omaha, NE 68183**

CHECK NUMBER

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City of Omaha  
Jean Stothert, Mayor

David A. Kousgaard  
1505 N. 138 St.  
Omaha, NE 68154

**NOTICE OF VIOLATION**  
January 28, 2015

**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

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 Multi-Family Entire Structure**

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

You are ordered to repair or cure the said violations by March 29, 2015. 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 vacant Property is declared to be unsafe, unfit for human occupancy, or unlawful, because of the violations so designated in the attached Violations List. You are ordered to close the Property and to take measures necessary to prevent occupancy of it within 60 days. Occupancy of the property is prohibited. Of course, if all violations making this property unsafe, unfit or unlawful are repaired or cured by the above date, the property can then be opened and occupied.

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: , **Wreck Permit**

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,

Mike Johnson  
Housing Inspector, 402-444-5150 x 2109

Jay Davis  
Assistant Director (P&I)

C:

The City of Omaha Planning Department  
Housing Division  
Permits and Code Requirements  
for property address: 3625 DEWEY AV  
Structure Type: Multi-Family -Entire Structure  
January 28, 2015

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- |   |   |   |
|---|---|---|
| <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

**Wreck Requirements-**

A wreck permit shall be required before the removal of a structure.

Other requirements: A wreck permit is required to demolish the structure. Asbestos certification and pest inspection are required to issue wreck permit.

If structure is going to be saved engineers report and plans required.

# Violations List

January 28, 2015

David A. Kousgaard  
1505 N. 138 St.  
Omaha, NE 68154

Re: 3625 DEWEY AV  
Inspected by: Mike Johnson  
Structure Type: Multi-Family

## Owner Violation List items and Corrective Actions

Code Section Violated	Location and Nature of Violation	Unsafe/Unfit Designation
<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>Entire Structure. Construction work shall remain accessible &amp; exposed for inspections until approved.</p>	

Code Section Violated	Location and Nature of Violation	Unsafe/Unfit Designation
<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>Entire Structure. A wreck permit is required to demolish this structure. All other permits will be needed if structure is to be saved.</p>	

Code Section Violated	Location and Nature of Violation	Unsafe/Unfit Designation
<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>Entire Structure. Fee shall be assessed in accordance with the provisions of this sections.</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.

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.

Code Section Violated	Location and Nature of Violation	Unsafe/Unfit Designation
<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>Entire Structure. Whenever any work for which a permit is required has been commenced without first obtaining said permit a penalty fee shall be assessed.</p>	

Code Section Violated	Location and Nature of Violation	Unsafe/Unfit Designation
<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>Entire Structure. All electrical repairs and alterations must be made by an electrical contractor, licensed and bonded by the City of Omaha. Appropriate electrical permits and final inspections are required.</p>	

Code Section Violated	Location and Nature of Violation	Unsafe/Unfit Designation
<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>Entire Structure. All City codes apply. Building code, plumbing code, electrical code, mechanical code, fire code.</p>	

Code Section Violated	Location and Nature of Violation	Unsafe/Unfit Designation
<p><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.</p>	<p>Entire Structure. The code official is authorized to enter the structure or premises at reasonable times.</p>	
Code Section Violated	Location and Nature of Violation	Unsafe/Unfit Designation
<p><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.</p> <p>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.</p> <p>b) Testing agency. All tests shall be performed by an approved agency.</p> <p>c) Test reports. Reports of tests shall be retained by the code official for the period required for retention of public records.</p>	<p>Entire Structure. If structure is going be repaired a complete set of plans will be required.</p>	
Code Section Violated	Location and Nature of Violation	Unsafe/Unfit Designation
<p><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.</p>	<p>Entire Structure. Any violation of any provision of this code is unlawful.</p>	
Code Section Violated	Location and Nature of Violation	Unsafe/Unfit Designation
<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>Entire Structure. Any person failing to comply with a notice shall be prosecuted.</p>	
Code Section Violated	Location and Nature of Violation	Unsafe/Unfit Designation
<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>Entire Structure. Any person who violates a provision of this code shall be prosecuted within the limits provided by state or locals laws.</p>	

Code Section Violated	Location and Nature of Violation	Unsafe/Unfit Designation
<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.	Entire Structure. Owner and or person or persons responsible.	

Code Section Violated	Location and Nature of Violation	Unsafe/Unfit Designation
<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.	Entire Structure. Written notice of pending transfer of ownership must be made to the office of the planning department within seven (7) days prior to transfer of deed.	

Code Section Violated	Location and Nature of Violation	Unsafe/Unfit Designation
<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.	Entire Structure. Fire and water damage throughout structure.	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
<b>048-72. Closing of vacant structures.</b> If the premises are vacant and unfit for human habitation and occupancy, the code official is authorized to post a closure placard on the premises and order the premises closed up so as not to be an attractive nuisance. The owner or person responsible for the premises shall close up the premises within the time specified in the notice or order, and shall keep the premises closed until authorized or permitted by the code official to be opened. It shall be unlawful for the owner or any person responsible for the premises to fail to close and keep closed such a premises, on a continuing basis after the said notice or order. Upon failure of the owner or other person responsible for the premises to close up the premises within the time specified in the order, the code official may, in addition to other civil or criminal remedies, 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 means.	Entire Structure. Structure needs to be secured within 24 hours of receipt of this notice.	

Code Section Violated	Location and Nature of Violation	Unsafe/Unfit Designation
<b>048-73. Notice.</b> Whenever the code official has declared a structure or equipment unsafe or unfit under the provisions of this Division, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Section 48-63. If the notice pertains to equipment, it shall also be placed on the equipment. The notice shall be in the form prescribed in Section 48-62.	Entire Structure. Notice(s) have been served.	

Code Section Violated	Location and Nature of Violation	Unsafe/Unfit Designation
<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.	Entire Structure. Posted danger closed, 1-13-15	

Code Section Violated	Location and Nature of Violation	Unsafe/Unfit Designation
<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.	Entire Structure. Occupancy is prohibited until all required permits have been obtained, all repairs have been completed, all final inspections have been completed. Owner or repair persons are allowed to be on the property between 7:00 AM and 5:00 PM making repairs. No one is allowed to be at or on the property other than aforementioned times.	

Code Section Violated	Location and Nature of Violation	Unsafe/Unfit Designation
<b>048-91. General.</b> The code official shall order the owner of any premises upon which is located any structure, which in the code official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure.	Entire Structure. Fire and water damage throughout structure. Complete structure is to be removed with in 60 days of receipt of this notice.	Yes



Code Section Violated	Location and Nature of Violation	Unsafe/Unfit Designation
<p><b>048-93. Failure to comply.</b> If the owner of a premises fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons. The cost of such demolition and removal may be assessed as a lien against the real estate upon which the structure is located, and may be collected from the owner pursuant to civil action, as provided by law.</p>	<p>Entire Structure. Failure to comply with demolition order may result in removal of the dangerous structure by the city.</p>	

Code Section Violated	Location and Nature of Violation	Unsafe/Unfit Designation
<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>Entire Structure. 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>	



City of Omaha  
Jean Stothert, Mayor

## 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

## DEMOLITION ORDER

January 28, 2015

David A. Kousgaard  
1505 N. 138 St.  
Omaha, NE 68154

This notice concerns the Multi-Family on the Property at **3625 DEWEY AV - Multi-Family**.

The said structure 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 demolish and remove the said structure by March 29, 2015.

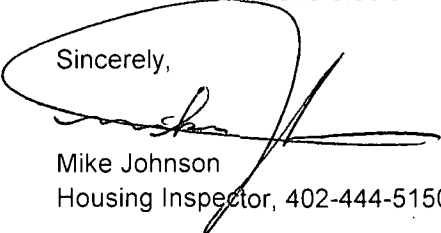
If you fail to comply with this order by the above date, then the City will demolish and remove the said structure. In such case, the cost of such demolition and removal may be assessed as a lien against the Property, and may be collected from the owner in a civil action.


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: , **Wreck Permit**.

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,

  
Mike Johnson  
Housing Inspector, 402-444-5150 x 2109

  
Jay Davis  
Assistant Director (P&I)

C: