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Received - DIANE L. BATTIATO  
Register of Deeds, Douglas County, NE  
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2014069901

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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**  
August 13, 2014

**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

Ararcel I. Espericueta  
2682 N. 129 Cr.  
Omaha, NE 68164

Parcel No.: 0125000214  
Legal Description: See Exhibit A

This notice concerns the Property at: **6801 RAILROAD AV Commercial building Exterior and Commons Area**

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 October 12, 2014. 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 \$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,  
  
Todd Shearer  
Housing Inspector, 402-444-5150 x 2110

  
Kevin Denker  
Chief Housing Inspector

C: Commercial Assets c/o Ocwen Loan Servicing LLC, 1661 Worthington Rd., Suite 100, West Palm Beach, FL 33409

The City of Omaha Planning Department  
Housing Division  
Permits and Code Requirements  
for property address: 6801 RAILROAD AV  
Structure Type: Commercial building-Exterior and Commons Area  
August 13, 2014

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A Building permit is required for the amount of \$5,000.00. Note: The fee charged for a Building permit is based on the total amount of estimated labor and material costs.

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

# Violations List

August 13, 2014

Ararcel I. Espericueta  
2682 N. 129 Cr.  
Omaha, NE 68164

Re: 6801 RAILROAD AV  
Inspected by: Todd Shearer  
Structure Type: Commercial building

## 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>Building Exterior and Commons Area. Construction work shall remain accessible &amp; exposed for inspections until approved.</p>	
<p><b>043-71. Required.</b> Except as specified in section 43-72 of this Code, no building or structure regulated by this Code shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate permit for each building or structure has first been obtained from the building official. (Ord. No. 33582 SS 1(43-71), 6-27-95)</p>	<p>Building Exterior and Commons Area. General repair permits are required for roof replacement, exterior and interior wall surface repair, window and door repair, non-structural replacement.</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>The determination of value or valuation for the purpose of assessing the permit fee shall be made by the building official. The value to be used in computing the building permit and plan review fees shall be the total value of all construction work for which the permit is issued.</p> <p>Penalty fees: When construction begins before the permit has been issued, the applicant shall pay a penalty fee. Said fee shall be quadruple the amount of the regular fee.</p> <p>No quadruple fee penalty set forth in this chapter shall be imposed if the work is of an emergency nature where a delay in performing the work may cause a risk to life or health or will significantly increase the risk of property damage, provided a permit is applied for within 48 hours of the start of the work, in which case no penalty shall be imposed.</p>	<p>Building Exterior and Commons Area. Fee shall be assessed in accordance with the provisions of this sections.</p>	

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.</p> <p>(Ord. No 33582, SS 1(43-94), 6-27-95)</p>	<p>Building Exterior and Commons Area. 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>048-12a. Maintenance.</b> 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>Building Exterior and Commons Area. Owner and or person or persons responsible.</p>	

Code Section Violated	Location and Nature of Violation	Unsafe/Unfit Designation
<b>048-12e. Maintenance.</b> Mechanical and plumbing systems, both existing and new, and parts thereof shall be maintained in proper operating condition in accordance with the original design and in a safe and sanitary condition. Devices or safeguards required by an applicable code shall be maintained in compliance with the code edition under which installed.	Building Exterior and Commons Area. Owner and or person or persons responsible. Both mechanical and plumbing system shall be maintained in property operating condition in accordance with the original design and in safe and sanitary condition.	
<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.	Building Exterior and Commons Area. All city codes apply. Building Code, Plumbing Code, Electrical Code, Mechanical Code, Fire Code.	
<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.	Building Exterior and Commons Area. All repairs, alterations, maintenance work & installations shall be made in a workmanlike manner, and in accordance with manufacturer's installation instructions.	
<b>048-25. Fees.</b> 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:  Reinspection Fees, charged once for each Notice of Violation.	Building Exterior and Commons Area. Owner. Fee shall apply.	
<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.	Building Exterior and Commons Area. 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
<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.	Building Exterior and Commons Area. Any person failing to comply with a notice shall be prosecuted.	

Code Section Violated	Location and Nature of Violation	Unsafe/Unfit Designation
<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.	Building Exterior and Commons Area. Any person who violates a provision of this code shall be prosecuted within the limits provided by state or locals laws.	

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.	Building Exterior and Commons Area. 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.	Building Exterior and Commons Area. 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
<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.	Building Exterior and Commons Area. There is a poor vent sticking out the north side of the building.	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>048-71a. 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.	Building Exterior and Commons Area. Several of the window screens are missing on all sides.	Yes

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<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.	Building Exterior and Commons Area. The side doors are not clearly marked.	Yes

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Code Section Violated	Location and Nature of Violation	Unsafe/Unfit Designation
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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.	Building Exterior and Commons Area. The parapet wall on the northeast corner has cracked.	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>048-71a. 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.	Building Exterior and Commons Area. The fascia has deteriorated/peeling paint.	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>048-71a. 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.	Building Exterior and Commons Area. There is peeling paint on the brick in the stairs to the basement of the bar in the common area.	Yes

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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.	Building Exterior and Commons Area. There is debris all over in the common area.	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>048-71a. 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.	Building Exterior and Commons Area. There is plastic drain pipe on the sinks in apartment #2	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>048-71a. 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.	Building Exterior and Commons Area. There is a vent on the north side of the building covered with chicken wire.	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>048-71a. 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.	Building Exterior and Commons Area. There is a large stain on the flooring in the bathroom of unit #2	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>048-73. 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.	Building Exterior and Commons Area. Structure is unsafe.	

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 or removing the placard.	Building Exterior and Commons Area. Upon failure to comply within the time given, structure shall be placarded.	

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 liable for the penalties provided by this Code.	Building Exterior and Commons Area. Upon failure to comply with repairs as ordered within the time directed in this Notice of Violation, structure shall be vacated.	

Code Section Violated	Location and Nature of Violation	Unsafe/Unfit Designation
<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.	Building Exterior and Commons Area. Owner and or person/persons responsible.	

Code Section Violated	Location and Nature of Violation	Unsafe/Unfit Designation
<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.	Building Exterior and Commons Area. If structure is to be vacated, it must be maintained in a clean, safe, secure, and sanitary condition.	
<b>304.1. General.</b> The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.	Building Exterior and Commons Area. Owner	Unsafe/Unfit Designation
<b>304.13. Window, skylight and door frames.</b> Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.	Building Exterior and Commons Area. Deteriorated window sash, jambs, troughs and sills including abraded and peeling surface paint.	Unsafe/Unfit Designation Yes
<b>304.4. Structural members.</b> All structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads.	Building Exterior and Commons Area. The parapet wall on the northeast corner has cracked.	Unsafe/Unfit Designation Yes
<b>304.6. Exterior walls.</b> All exterior walls shall be free from holes, breaks and loose or rotting materials; and maintained, weatherproof and properly surface coated where required to prevent deterioration.	Building Exterior and Commons Area. The east side has poor siding.	Unsafe/Unfit Designation Yes
<b>304.9. .</b>	Building Exterior and Commons Area. The fascia has deteriorated/peeling paint.	Unsafe/Unfit Designation Yes
<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.	Building Exterior and Commons Area. A person shall not occupy as owner occupant or permit another person to occupy premises which do not comply.	

Code Section Violated	Location and Nature of Violation	Unsafe/Unfit Designation
<p><b>601.2. Responsibility.</b> The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this chapter.</p>	<p>Building Exterior and Commons Area. A person shall not occupy as owner occupant or permit another person to occupy premises which do not comply.</p>	

Code Section Violated	Location and Nature of Violation	Unsafe/Unfit Designation
<p><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.</p>	<p>Building Exterior and Commons Area. A person shall not occupy as owner occupant or permit another person to occupy premises which do not comply.</p>	

## Exhibit A

Lots 6, 7 and 8, Block 3, except the West 7 feet taken for street purposes, in Hoppe's Bonanza Addition, an addition to the City of Omaha, as surveyed, platted and recorded, in Douglas County, Nebraska and the North 1/2 of vacated alley adjoining on the South.