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Received - DIANE L. BATTIATO
Register of Deeds, Douglas County, NE
7/30/2013 08:43:52

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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

July 2, 2013

Neutron Yosho & Rockefeller Khin
10525 Nebraska Ave.
Omaha, NE 68134

Planning Department

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

James R. Thele
Acting Director

Parcel No.: 1249000020
Legal Description: Lot 35, Pinecrest

This notice concerns the Property at: **7812 MILITARY AV Dwelling Exterior**

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

You are ordered to repair or cure the said violations by August 31, 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.

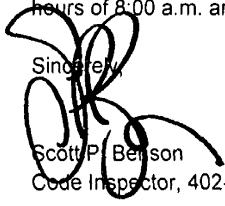
This vacant Property is declared to be unsafe, unfit for human occupancy, or unlawful, because of the violations so designated in the attached Violations List. You are ordered to close the Property and to take measures necessary to prevent occupancy of it within 60 days. Occupancy of the property is 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.

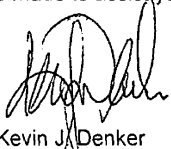
While the necessity of City permits to conduct the necessary work will depend on the method of repair chosen by the Property owner, it presently appears that the following types of permits will have to be obtained from the City to perform the necessary work: **Building**

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,


Scott P. Benson
Code Inspector, 402-444-5361


Kevin J. Denker
Chief Code Inspector

C: Joseph J. Skudlarek, Tr., 1055 N. 115 St., Suite 200, Omaha, NE 68154
The Element Group LLC, 6209 N. 103 St., Omaha, NE 68134
Tax Lien, Delphini Development, 405 N. 115 St., Suite 100, Omaha, NE 68154

The City of Omaha Planning Department
Housing Division
Permits and Code Requirements
for property address: 7812 MILITARY AV
Structure Type: Dwelling-Exterior
July 2, 2013

A Building permit is required for the amount of \$2,000.00. Note: The fee charged for a Building permit is based on the total amount of estimated labor and material costs.

- | | | |
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| <input checked="" type="checkbox"/> General Repair | <input checked="" type="checkbox"/> Window Replacement | <input checked="" 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 | home was opened , vacant, and work |
| <input type="checkbox"/> Remove Existing Roof | <input type="checkbox"/> Bath Remodel | was going on . |
| <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

7812 MILITARY AV

Violations List

July 2, 2013

Neutron Yosho & Rockefeller Khin
10525 Nebraska Ave.
Omaha, NE 68134

Re: 7812 MILITARY AV
Inspected by: Scott P. Benson
Structure Type: Dwelling

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>Dwelling Exterior. Construction work shall remain accessible & exposed for inspections until approved.</p>	
<p>043-71. Required. 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>Dwelling Exterior. 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
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043-91. Permit Fees. 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.

Dwelling Exterior. 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.

Code Section Violated	Location and Nature of Violation	Unsafe/Unfit Designation
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043-94. Commencing work without permit. 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.

Dwelling Exterior. Whenever any work for which a permit is required has been commenced without first obtaining said permit a penalty fee shall be assessed.

(Ord. No 33582, SS 1(43-94), 6-27-95)

Code Section Violated	Location and Nature of Violation	Unsafe/Unfit Designation
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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.

Dwelling Exterior. Owner and or person or persons responsible.

Code Section Violated	Location and Nature of Violation	Unsafe/Unfit Designation
048-12e. Maintenance. 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.	Dwelling Exterior. 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.	
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.	Dwelling Exterior. All city codes apply. Building Code, Plumbing Code, Electrical Code, Mechanical Code, Fire Code.	
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.	Dwelling Exterior. 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
048-34. 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.	Dwelling Exterior. 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
048-53. 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.	Dwelling Exterior. 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.	Dwelling Exterior. 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
048-61. Notice to owner or to person or persons responsible. 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.	Dwelling Exterior. Owner and or person or persons responsible.	

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.	Dwelling Exterior. 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.	Dwelling Exterior. Decayed, dilapidated and deteriorated structure in its entirety.	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
<p>048-71c. 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.</p> <p>c) Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.</p>	Dwelling Exterior. Building is vacant, open, vandalized. Building is a blighting influence on the neighborhood.	Yes
Code Section Violated	Location and Nature of Violation	Unsafe/Unfit Designation
<p>048-73. Notice. 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.</p>	Dwelling Exterior. Structure is unsafe.	
Code Section Violated	Location and Nature of Violation	Unsafe/Unfit Designation
<p>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 or removing the placard.</p>	Dwelling Exterior. Upon failure to comply within the time given, structure shall be placarded.	
Code Section Violated	Location and Nature of Violation	Unsafe/Unfit Designation
<p>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 liable for the penalties provided by this Code.</p>	Dwelling Exterior. 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
<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>	Dwelling Exterior. Owner and or person/persons responsible.	

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.	Dwelling Exterior. If structure is to be vacated, it must be maintained in a clean, safe, secure, and sanitary condition.	
Code Section Violated	Location and Nature of Violation	Unsafe/Unfit Designation
302.4. Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of 10 inches (254 mm). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.	Dwelling Exterior. Overgrown vegetation is more than 10" high throughout property; broken, trash trees; trees against house foundation.	Yes
Code Section Violated	Location and Nature of Violation	Unsafe/Unfit Designation
304.2. Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights shall be maintained, weather resistant and water-tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.	Dwelling Exterior. Peeling/missing paint on all exterior surfaces where paint is peeling, cracked or bare surfaces are exposed.	Yes
Code Section Violated	Location and Nature of Violation	Unsafe/Unfit Designation
304.3. Premises identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).	Dwelling Exterior. Address numbers are not visible from the street.	Yes