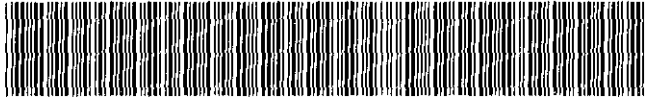


CITY 2008019175



FEB 28 2008 11:44 P 9

City Note 23-07280  
FEE \_\_\_\_\_  
BKP \_\_\_\_\_ G/D \_\_\_\_\_ COMP \_\_\_\_\_  
DEL \_\_\_\_\_ SCAN \_\_\_\_\_ FV \_\_\_\_\_

Received - DIANE L. BATTIATO  
Register of Deeds, Douglas County, NE  
2/28/2008 11:44:52.32



2008019175

**THIS PAGE INCLUDED FOR INDEXING**  
**PAGE DOWN FOR BALANCE OF INSTRUMENT**

**Return To: City of Omaha  
Planning Department  
Code Enforcement  
1819 Farnam St, Rm. 1003  
Omaha, NE 68183**

Check Number  
\_\_\_\_\_



City of Omaha  
Mike Fahey, Mayor

## CODE ENFORCEMENT

### NOTICE OF VIOLATION

February 5, 2008

#### 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

Louis M Cortez & Darlene G. Chaboude  
2235 Howard St.  
Omaha, NE 68106

Legal Description: E 41.77' of Lot 4, Convent Place  
Addition

This notice concerns the Property at: **2235 HOWARD ST Apt. No. 3 Apartment 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 5, 2008. 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, Electrical, 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 \$30.00 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,

Roger Carroll  
Code Inspector, 402-444-5382

Kevin J. Denker  
Chief Code Inspector

C: Louis M. Cortez, 7711 Dutra Bend Dr., Sacramento, CA 95831  
Mortgage Electronic Registration Systems Inc, PO Box #2026, Flint, MI 48501-2026  
American Brokers Conduit, 538 Broadhollow Rd, Melville, NY 11747  
Shawna Bileman, 2235 Howard St. #3, 68102

**The City of Omaha Planning Department  
Housing Division**

**Permits and Code Requirements**

for property address: 2235 HOWARD ST Apt. No. 3

Structure Type: Apartment-Interior-Apt.3

February 5, 2008

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

A Building permit is required for the amount of \$2,500.00. Note: The fee charged for a Building permit is based on the total amount of estimated labor and material costs.

Y General Repair

Fire

Reroof

Remove Existing Roof

Reside

Remove existing siding

Basement Finish

Retaining Wall

Window Replacement

Soffits, Gutters, etc.

Kitchen Remodel

Y Bath Remodel

Plans required

Fence

Decks/Porches

Fire Escape

Y Interior Inspection.

Requested for the following reason(s) :  
missing hot water to the building.

Separate Permits required for the following:

Y Electrical

Y Plumbing

Mechanical

Wreck

**Special Code Requirements:**

**Electrical Requirements -**

Under 121-142. Chapter 44. Bring electrical service up to code. A licensed, bonded, electrical contractor is required to make repairs. A City of Omaha electrical permit and an inspection by the City Electrical Inspector is required for conformance.

**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.

Other requirements: water heater Quad fee

Water pipe repair Quad fee

General Repair permit Quad fee

# Violations List

February 5, 2008

Louis M Cortez & Darlene G. Chaboude  
2235 Howard St.  
Omaha, NE 68106

Re: 2235 HOWARD ST Apt. No. 3  
Inspected by: Roger Carroll  
Structure Type: Apartment

Violations and corrective action:

## Owner Violation List items

<u>Code Section Violated</u>	<u>Location and Nature of Violation</u>	<u>Unsafe/Unfit Designation/Repaired</u>
<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>Apartment 3. 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>Apartment 3. General repair permit is required before work is started. Bathroom ceiling repair.</p>	

<u>Code Section Violated</u>	<u>Location and Nature of Violation</u>	<u>Unsafe/Unfit Designation</u>	<u>Repaired</u>
<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.	Basement. Electrical wire and conduit permit is required. Exposed wires are energized. Metallic cable is not secured.	Yes	
<b>049-307. Commencing work without permits.</b> In the event any work for which a permit is required by the provisions of this article is started before obtaining such permit, such work shall be stopped, and shall t be resumed, until such permit is obtained. Upon application for such permit, the amount of the fee specified therefore shall be a minimum of \$100.00 or quadrupled, whichever is greater; provided, however, upon clear and convincing proof of a practical hardship, inadvertent mistake or error, the chief plumbing inspection may waive such penalty fee.	Apartment 3. Plumbing Quad fee Water heater 2007 installed without permit.	Yes	
<b>049-307. Commencing work without permits.</b> In the event any work for which a permit is required by the provisions of this article is started before obtaining such permit, such work shall be stopped, and shall t be resumed, until such permit is obtained. Upon application for such permit, the amount of the fee specified therefore shall be a minimum of \$100.00 or quadrupled, whichever is greater; provided, however, upon clear and convincing proof of a practical hardship, inadvertent mistake or error, the chief plumbing inspection may waive such penalty fee.	Apartment 3. Plumbing Quad fee Pipe repair at drain at toilet, tub shower. Water supply to fixtures to code.	Yes	
<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.	Exterior Structure. Owner/Occupant. Entire Structure. Owner shall not occupy or permit another to occupy any structure or exterior property not in compliance.	Yes	
<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.	Exterior Structure. Structure must be secure within 24 hours of this notice and be maintained secure until the property is repaired and action is release, or the building is demolished.	Yes	
<b>302.3. Sidewalks and driveways.</b> All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.	Exterior Property Area. Ice and snow on sidewalks and stairs.		

<u>Code Section Violated</u>	<u>Location and Nature of Violation</u>	<u>Unsafe/Unfit Designation</u>	<u>Repaired</u>
<b>302.3. Sidewalks and driveways.</b> All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.	Exterior Property Area. Cracked and/or upheaved sidewalks. Sidewalk and terrace stair separated at top of stair.	Yes	
<b>304.10. Stairways, decks, porches and balconies.</b> Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.	Exterior Property Area. Deteriorated deck and stairs at back of structure. Wood stair not resting on concrete pad. Stair covered in ice. Hand rail over size.	Yes	
<b>304.3. Premises identification.</b> 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).	Exterior Structure. Missing 4" high by 1/2" stroke address numbers on the front of the structure. Numbers not visible from the street. Black numbers against the brown porch are hard to read.	Yes	
<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.	Basement. Owner. Unsanitary throughout. Basement. Building debris on floor behind boiler.	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.	Basement. All abraded, deteriorated, asbestos wrap at basement pipes. Repairs must be by property owner himself or by asbestos contractor licensed with the state of Nebraska.	Yes	
<b>305.5. Handrails and guards.</b> Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.	Basement. Deteriorated interior guard rail to basement. at rear egress landing.	Yes	
<b>402.2. Common halls and stairways.</b> Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19 m <sup>2</sup> ) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, means of egress, including exterior means of egress stairways, shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of 1 foot-candle (11 lux) at floors, landings and treads.	Interior Structure. Unlighted common hall and stairway in multi unit residence. Including basement laundry and electrical area.	Yes	

<u>Code Section Violated</u>	<u>Location and Nature of Violation</u>	<u>Unsafe/Unfit Designation</u>	<u>Repaired</u>
<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.	Apartment 3. Non code pipe repair at drain at toilet, tub shower. Water supply to fixtures to 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.	Apartment 1. Improperly installed piping, fixtures and/or fittings. Vinyl water supply and trap at lavatory sink	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.	Apartment 1. Non-code plastic plumbing. at kitchen sink water supply and drain.	Yes	
<b>505.1. General.</b> Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the International Plumbing Code.	Apartment 3. Non-code water supply pipes to sink. No hot water to bathroom sink. No hot water to tub shower.		
<b>505.1. General.</b> Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the International Plumbing Code.	Apartment 3. Hot water is insufficient, does not work. Water temperature measured 63.8 degrees which is less than 120 degrees Fahrenheit.	Yes	
<b>505.1. General.</b> Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the International Plumbing Code.	Basement. Non-code water supply pipes, drain and vent pipes to basement sink.	Yes	
<b>505.1. General.</b> Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the International Plumbing Code.	Apartment 3. Non-code water supply pipes to sink. To toilet . Vinyl water supplies.	Yes	

<u>Code Section Violated</u>	<u>Location and Nature of Violation</u>	<u>Unsafe/Unfit Designation</u> <u>Repaired</u>
<b>505.1. General.</b> Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the International Plumbing Code.	Apartment 3. Expandable vinyl drain at bathroom sink.	Yes
<b>505.4. Water heating facilities.</b> Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 120 degrees F (49 C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.	Basement. Improperly installed, water heater. Gas drop leg not vertical.	Yes
<b>506.1. General.</b> All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.	Basement. Improperly installed vent. Missing washing machine vent. Missing basement sink vent.	Yes
<b>506.1. General.</b> All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.	Basement. Improperly installed drain. 2" rubber "T" in basement washing machine drain. PVC washing machine drain is non code.	Yes
<b>602.2. Residential occupancies.</b> Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 65 degrees F (18 C) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the International Plumbing Code. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.	Basement. Inadequate temperature to habitable spaces. Thermostat set to less than required minimum 68 degrees Fahrenheit.	Yes
<b>604.2. Service.</b> The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the ICC Electrical Code. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.	Basement. Electrical service is to be checked and sized for usage by a licensed, bonded electrical contractor and report given to inspector.	Yes
<b>604.3. Electrical system hazards.</b> Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacles and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.	Basement. Broken electrical conductor. Exposed romex at basement.	Yes



<u>Code Section Violated</u>	<u>Location and Nature of Violation</u>	<u>Unsafe/Unfit Designation</u>	<u>Repaired</u>
<b>604.3. Electrical system hazards.</b> Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacles and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.	Apartment 1. Missing electrical lighting fixture and fixture cover. At apartment 1 bathroom ceiling. Wires are energized not capped over tub shower.	Yes	
<b>604.3. Electrical system hazards.</b> Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacles and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.	Basement. Outlet at basement washing machine and clothes dryer is not GFCI.	Yes	
<b>604.3. Electrical system hazards.</b> Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacles and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.	Basement. Panels have buss bars exposed. Knock out clips are missing. Panel covers are badly rusted.	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.	Apartment 3. Insufficient fire-rated ceiling, walls, floor(s). Insufficient fire-rated ceiling at hall, common stair, common wall, apartment ceiling and common walls. Bathroom ceiling rough in fire caulk is missing.	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.	Apartment 3. Insufficient fire-rated ceiling, walls, floor(s). Insufficient fire-rated ceiling at bathroom ceiling.	Yes	