

**CITY ORDINANCE NO. CO-110-2021**

**AN ORDINANCE OF THE LAFAYETTE CITY COUNCIL DECLARING THE BUILDING OR STRUCTURE LOCATED AT 716 SAINT CHARLES STREET, LAFAYETTE, LOUISIANA, OWNED BY MARCELITE ETIENNE, C/O GERALD J. BLOCK, ATTORNEY APPOINTED, TO BE DILAPIDATED AND DANGEROUS TO THE PUBLIC WELFARE AND ORDERING THE CONDEMNATION OF SAME**

**BE IT ORDAINED** by the Lafayette City Council, that:

**SECTION 1:** La. R.S. 33:4761, *et seq.* allows the governing authority of any municipality to condemn and cause to be demolished or removed any building or structure within the municipality when it is in a dilapidated and dangerous condition which endangers the public welfare.

**SECTION 2:** The Lafayette City Council has received a written report from the Housing Inspector II of Community Development and Planning Department of the Lafayette City-Parish Consolidated Government that recommends the condemnation and demolition of a certain building or structure located at municipal number 716 Saint Charles Street, Lafayette, Louisiana, owned by Marcelite Etienne, c/o Gerald J. Block, attorney appointed. A copy of the written report is attached hereto and incorporated herein.

**SECTION 3:** A notice to show cause will be served on said owner, Marcelite Etienne, c/o Gerald J. Block, attorney appointed, setting a hearing which will be held at the date and time of the final adoption of this ordinance, all in accordance with the provisions of La. R.S. 33:4761, *et seq.*

**SECTION 4:** It is in the opinion of the Lafayette City Council, as the governing authority of the Lafayette City-Parish Consolidated Government, that the facts prove that the building or structure located at 716 Saint Charles Street, Lafayette, Louisiana, owned by Marcelite Etienne, c/o Gerald J. Block, attorney appointed, is in such a dilapidated and dangerous condition as to possibly cause immediate loss or damage to persons or property and thereby creates a dangerous condition and endangers the public welfare. Accordingly, the Lafayette City Council does hereby order the building or structure located at 716 Saint Charles Street, Lafayette, Louisiana, owned by Marcelite Etienne, c/o Gerald J. Block, attorney appointed, to be condemned and demolished. The legal description upon which the building or structure is located is as follows:

Those two certain lots of ground situated in the BENDEL & VOORHIES ADDITION, an extension to the City of Lafayette, Louisiana, and in accordance with a plat of said addition on file in the Office of the Clerk of Court, Parish of Lafayette, Louisiana, are known and designated as Lots Fourteen and Fifteen (14 & 15) of Block "D" of said addition, said lots being contiguous and together have a frontage of fifty (50) feet on St. Charles Street by a depth between parallel lines of one hundred and sixteen (116) feet, and are bounded northeasterly by St. Charles Street, southwesterly by Lots 33 and 34 of Block D, southeasterly by Lot 16 of Block D and northwesterly by Lot 13 of Block D.

Said lots having a municipal address of 716 Saint Charles Street, Lafayette, La.

**SECTION 5:** The aforescribed building or structure will be demolished by the Lafayette City-Parish Consolidated Government after 30 days from the effective date of this ordinance unless said owner, or his designated agent, exercises one (1) of the following options:

1. Said owner, or his designated agent, may demolish and remove said building or structure under the following conditions:
  - A. Said owner, or his designated agent, shall execute a written contract with the Lafayette City-Parish Consolidated Government, which contract shall obligate him to demolish and remove said building within 30 days from the effective date of this ordinance.
  - B. Within 15 days from the effective date of this ordinance, said owner, or his designated agent, shall execute with the Lafayette City-Parish Consolidated Government the aforescribed contract and shall provide a bond in the amount of \$25,000.00 in favor of the Lafayette City-Parish Consolidated Government, guaranteeing performance by the owner, or his designated agent, of the obligation under the aforementioned contract.
  - C. The contract and bond shall be in the form provided by the Lafayette City-Parish Consolidated Government. Any such surety bond shall be made either by a cash deposit with the Lafayette City-Parish Consolidated Government or shall be written by a surety or insurance company on the U.S. Department of the Treasury Financial Management Service list of approved bonding companies which is published annually in the Federal Register, or by a Louisiana domiciled insurance company with at least an A minus rating in the latest printing of the A M Best Key Rating Guide to write individuals bond up to ten (10%) percent of the policy holder's surplus as shown in the A M Best Key Rating Guide or by an insurance company that is either domiciled in Louisiana or owned by Louisiana residents and is licensed to write surety bonds.
2. Said owner, or his designated agent, may repair said building or structure under the following conditions:
  - A. Said owner, or his designated agent, shall execute a written contract with the Lafayette City-Parish Consolidated Government, which contract shall obligate the owner to make all repairs within 90 days from the effective date

of this ordinance. The necessary repairs shall be all those repairs as specified by the Housing Inspector II with Community Development and Planning Department of the Lafayette City-Parish Consolidated Government.

- B. Within 15 days from the effective date of this ordinance, said owner, or his designated agent, shall execute with the Lafayette City-Parish Consolidated Government the original contract, together with a bond in the amount of \$50,000.00, in favor of the Lafayette City-Parish Consolidated Government guaranteeing performance by the owner, or his designated agent, of the obligations under the aforementioned contract.
- C. The contract and bond shall be in the form provided by the Lafayette City-Parish Consolidated Government. Any such surety bond shall be made either by a cash deposit with the Lafayette City-Parish Consolidated Government or shall be written by a surety or insurance company on the U.S. Department of the Treasury Financial Management Service list of approved bonding companies which is published annually in the Federal Register, or by a Louisiana domiciled insurance company with at least an A minus rating in the latest printing of the A M Best Key Rating Guide to write individuals bond up to ten (10%) percent of the policy holder's surplus as shown in the A M Best Key Rating Guide or by an insurance company that is either domiciled in Louisiana or owned by Louisiana residents and is licensed to write surety bonds.

**SECTION 6:** Should the owner fail or refuse to comply with the contract and bond as above stipulated, the Lafayette City-Parish Consolidated Government will execute upon the performance bond filed by the owner, or his designated agent, and will proceed with the repair or demolition of the condemned building with all costs thereof, as well as all other costs, legal interest and attorney's fees, as provided by La. R.S. 33:4761, *et seq.*, being taxed as a lien on the property and this also shall be the personal obligation of the owner.

**SECTION 7:** If the Lafayette City-Parish Consolidated Government undertakes the condemnation, demolition, and removal, the cost of demolition and removal, as well as all legal interest on said amount together with attorney's fees and costs incurred with reference to the condemnation and demolition, shall create a lien and privilege on the immovable property which privilege lien shall be preserved by the filing and recording of an affidavit signed by the Lafayette

Mayor-President and recorded in the mortgage records of the Parish of Lafayette. The said lien shall not be canceled until all amounts, including costs, attorney's fees and interest have been paid. The privilege and lien may be enforced by assessing the amount of the privilege and lien against the immovable property as a tax to be assessed against the property. The costs shown in the privilege and lien shall also be the personal obligations and liability of the owner.

**SECTION 8:** Anything herein contained to the contrary notwithstanding (particularly Section 10 hereof), this ordinance shall not be operative unless and until, no later than 20 days from the date of adoption of this ordinance by the Lafayette City Council, the Lafayette Mayor-President shall have issued a written notice to the Lafayette Clerk of the Council that this ordinance is made operative. If such written notice is timely issued, all references in this ordinance to "from the effective date of this ordinance" shall mean and be construed as "from the date of written notice by the Lafayette Mayor-President as provided in Section 7 hereof."

**SECTION 9:** All ordinances or resolutions, or parts thereof, in conflict herewith are hereby repealed.

**SECTION 10:** This ordinance shall become effective upon signature of the Lafayette Mayor-President, the elapse of ten (10) days after receipt by the Lafayette Mayor-President without signature or veto, or upon an override of a veto, whichever occurs first.

\* \* \* \* \*

LAFAYETTE CITY-PARISH CONSOLIDATED GOVERNMENT

PROPERTY MAINTENANCE CODE

INSPECTOR'S REPORT

Case Number PC2018-0074

7/8/2021

Site Address 716 SAINT CHARLES ST

Type / Subtype  
ABANDONED / OPEN AND VACANT

LAFAYETTE, LA 70501

Owner Marcelite Etienne

Agent

Address 716 Saint Charles Street

Address

LAFAYETTE

LA 70501-7442

Phone

Cell

Phone

Cell

Officer Mark Harson

Use: Residential Type Construction: Wood Frame Occupancy: Vacant  
Commodities: 1 Tubs: 1 Showers: 1 Lavatories: 0 Kitchen: 0 Full Baths: 1  
Hot Water: No Type Heat: Unapproved Electricity: No Gas:  
Conditions Indicate: DEMOLISH

The findings of inspection contained herein are intended to report conditions of non-compliance with code standards that are readily apparent at the time of inspection. The inspection does not involve a detailed examination of the mechanical systems or the building and premises. No warranty of the operation, use, or durability of equipment and materials not specifically cited herein is expressed or implied.

NOTES

NON-COMPLIANCE CODE VIOLATIONS ARE LISTED BELOW:

1 SECTION 102.2 - Maintenance - All buildings or structures, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by this code in a building when erected, altered, or repaired, shall be maintained in good working order.

2 SECTION 505.4 - Water Heating Facilities - Repair or replace water heater which shall be maintained in a safe and good working condition.

3 SECTION 305.3 - Interior surfaces - (Walls) - Repair or replace walls to be substantially rodent proof and in sound condition.

4 SECTION 305.3 - Interior Surfaces - (Painting) - Paint interior of structure.

5 SECTION 305 - INTERIOR STRUCTURE - (Ceilings) - Repair or replace ceilings to be substantially rodent proof and in sound condition.

6 SECTION 305.2 - Structural Members - (Floors) - Repair or replace floors to be substantially rodent proof, in sound condition, and capable of supporting normal loads.

7 SECTION 704.2 - Smoke Alarms - Every dwelling unit shall be provided with an approved listed smoke detector, installed in accordance with the manufacturer's recommendations and listing.

8 SECTION 506 - SANITARY DRAINAGE SYSTEM - (Plumbing Lines) - All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

- 
- 9 SECTION 605.3 - Luminaires - (Light Fixtures) - Repair or replace light fixtures to be in sound condition.
- 
- 10 SECTION 602 - HEATING FACILITIES - Repair or replace existing heating facilities to be properly installed and maintained in safe and good working condition.
- 
- 11 SECTION 305.1 - General - (Floor Covering) - Repair or replace floor covering to be substantially impervious to water and easily kept clean.
- 
- 12 SECTION 604 - ELECTRICAL FACILITIES - (Service Entrance and Wiring) - Update electrical service entrance and wiring, to be installed, connected and maintained in accordance with the provisions of the National Electrical Code as adopted by the L.C.G. Planning, Zoning and Codes Departments.
- 
- 13 SECTION 605 - ELECTRICAL EQUIPMENT - (Cover Plates) - Install cover plates on all switches and outlets.
- 
- 14 SECTION 605 - ELECTRICAL EQUIPMENT - (Switches) - Every ceiling and wall light fixture shall be controlled by a properly operating wall switch.
- 
- 15 SECTION 605 - ELECTRICAL EQUIPMENT - (Required Receptacles) - Update electrical to have at least two (2) duplex outlets in every habitable room and at least three (3) in the kitchen and one (1) outlet per bath.
- 
- 16 SECTION 305.6 - Interior Doors - Repair or replace interior doors to be in sound working condition, properly fitted within the frame, and provided with the proper hardware.
- 
- 17 SECTION 305.1 - General - (Cabinets) - Repair or replace kitchen cabinets to be in sound condition.
- 
- 18 SECTION 304.13 - Window, skylight and door frames - (Window Sash) - Repair or replace window sash(es) to be properly fitted and weather tight within the window frame.
- 
- 19 SECTION 304.13 - Window, skylight and door frames - (Window Glass) - Replace all cracked, broken, and missing glass in windows and doors.
- 
- 20 SECTION 304.13 - Window, skylight and door frames - (Window Frame) - Repair or replace window frame(s) to be substantially weather tight, watertight, and rodent proof.
- 
- 21 SECTION 304.6 - Exterior Walls - (Siding) - Repair or replace exterior siding to be free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit rain, or dampness to the interior of structure.
- 
- 22 SECTION 304.9 - Overhang extensions (Soffit) - Repair or replace soffit to be free of holes, breaks, rotting boards, and any other conditions which might admit rain or dampness.
- 
- 23 SECTION 304.4 - Structural Members - (Sills/Floors) - Repair or replace all sills and/or floor joists showing signs of damage and deterioration.
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


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- 24 SECTION 304.7 - Roofs and drainage - Repair or replace roof to be structurally sound and maintained in a safe manner and have no defects which might admit rain or dampness to the interior of structure.
- 
- 25 SECTION 304.4 - Structural Members (Rafters) - Repair or replace all rafters showing signs of damage or deterioration.
- 
- 26 SECTION 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 contrast with their background. Address 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 (12.7mm).
- 
- 27 SECTION 304.10 - Stairways, decks, porches and balconies - (Porches) - Every exterior porch shall be maintained to be structurally sound, in good repair and capable of supporting the imposed loads.
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- 28 SECTION 304.4 - Structural Members - (Piers/Foundations) - Reinforce foundation system to be capable of supporting the load which normal use may cause to be placed thereon.
- 
- 29 SECTION 304.2 - Protective treatment (Painting) - Paint exterior of structure including doors, windows, overhang, and trim.
- 
- 30 SECTION 302.7 - Accessory structures (Garages/Sheds) - Repair garage/shed to be in sound structural condition.
- 
- 31 SECTION 304.9 - Overhang extensions (Fascia) - Repair or replace fascia to be free of holes, breaks, rotting boards, and any other conditions which might admit rain or dampness.
- 
- 32 SECTION 304.15 - Doors - Repair or replace door(s) to be substantially weather tight, watertight, rodent proof, in sound working condition, and provided with the proper hardware.
- 
- 33 SECTION 304.13 - Window, skylight and door frames (Door Frames) - Repair or replace door frame(s) to substantially exclude rain and wind from entering the dwelling.
- 
- 34 SECTION 108.2 - Closing of vacant structures - If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall 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 resource. Additionally, the code official is authorized to require that the vacant structure be boarded up by placing thereon wood material no less than one-half (1/2) inch in thickness or metal material, no less than twenty-nine (29) gauge and must completely cover the window and door frames. The code official also has the authority to require that the material used to board up the structure, be painted a similar color as that of the structure.
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- 35 SECTION 304.1 - General - (Ceilings) - Repair or replace ceiling(s) to be in sound condition and capable of supporting normal loads.
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## Internal Memorandum

Community Development and Planning Department  
Codes Division (9020)

**TO:** Lafayette City Council  
Lafayette Mayor-President, Joshua S. Guillory

**DATE:** July 14, 2021

**THRU:** Cydra Wingerter   
Mary Sliman   
Bruce Williams 

**FROM:** Randy Viator

**SUBJECT:** Condemnation of Building

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**OWNER:** Marcelite Etienne, c/o Gerald J. Block, attorney appointed

**ADDRESS:** 716 Saint Charles, Lafayette, LA

**PROPERTY DESCRIPTION:**

1. Building Description: six room wood frame house
2. Legal Description:

Those two certain lots of ground situated in the BENDEL & VOORHIES ADDITION, an extension to the City of Lafayette, Louisiana, and in accordance with a plat of said addition on file in the Office of the Clerk of Court, Parish of Lafayette, Louisiana, are known and designated as Lots Fourteen and Fifteen (14 & 15) of Block "D" of said addition, said lots being contiguous and together have a frontage of fifty (50) feet on St. Charles Street by a depth between parallel lines of one hundred and sixteen (116) feet, and are bounded northeasterly by St. Charles Street, southwesterly by Lots 33 and 34 of Block D, southeasterly by Lot 16 of Block D and northwesterly by Lot 13 of Block D.

Said lots having a municipal address of 716 Saint Charles, Lafayette, La.

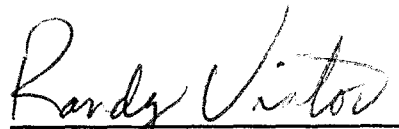
**Lafayette City Council members and Lafayette Mayor-President, Joshua S. Guillory:**

The building described above has been found to be dilapidated and dangerous for the following reasons:

See inspector's report.

The building because of its condition endangers the public welfare for the following reasons: It is in disrepair and infested with rodents and insects. The condition of the building, therefore, creates a serious hazard for the health and safety of the general public.

I, therefore, recommend that the building be condemned forthwith as provided for in La. R.S. 33:4761, *et seq.*



Randy Viator  
Housing Inspector II  
Community Development and Planning Department



LAFAYETTE CITY-PARISH CONSOLIDATED GOVERNMENT  
PROPERTY MAINTENANCE CODE  
INSPECTOR'S REPORT

Case Number      PC2018-0074      7/8/2021  
Site Address      716 SAINT CHARLES ST  
  
Type / Subtype  
ABANDONED / OPEN AND VACANT  
  
LAFAYETTE , LA 70501

Owner      Marcelite Etienne      Agent  
Address      716 Saint Charles Street      Address  
                 LAFAYETTE      LA      70501-7442  
  
Phone           Cell      Phone      Cell  
  
Officer      Mark Harson

Use: Residential      Type Construction:      Wood Frame      Occupancy:      Vacant  
Commodes:      1      Tubs:      1      Showers:      1      Lavatories:      0      Kitchen:      0      Full Baths:      1  
Hot Water:      No      Type Heat:      Unapproved      Electricity:      No      Gas:  
  
Conditions Indicate:      DEMOLISH

The findings of inspection contained herein are intended to report conditions of non-compliance with code standards that are readily apparent at the time of inspection. The inspection does not involve a detailed examination of the mechanical systems or the building and premises. No warranty of the operation, use, or durability of equipment and materials not specifically cited herein is expressed or implied.

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## Internal Memorandum

Community Development and Planning Department  
Codes Division (9020)

**TO:** Randy Viator

**DATE:** July 14, 2021

**FROM:** Mark Harson

**SUBJECT:** Case Synopsis – 716 Saint Charles Street, Lafayette, Louisiana  
Marcelite Etienne, c/o Gerald J. Block, attorney appointed

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04-16-2018 Complaint was made from the council office concerning the condition of the house and property. Initial Inspection was performed on the house. Code enforcement case started. Took photos.

04-17-2018 Certified letter was mailed to the owner. The letter was returned unsigned.

05-07-2018 The letter was posted on the house.

07-19-2018 Follow up inspection was made. House was vacant and windows are open. Repairs have not started.

08-09-2019 Follow up inspection was made. House was vacant and windows are open. Repairs have not started.

06-09-2020 Follow up inspection was made. House was vacant and open. Repairs have not started.

06-08-2021 Follow up inspection was made. House was vacant and open. Repairs have not started.

**NOTE:** The house is in disrepair. No effort has been made by the owner to repair or demolish the house. Condemnation proceedings are recommended to demolish the house.



Mark Harson  
Housing Inspector I



20-110-2021

**RECEIVED**

JUL 20 2021

Lafayette Consolidated Government  
Chief Administrative Officer

## Internal Memorandum

Community Development and Planning Department  
Codes Division (9020)

**TO:** Cydra Wingerter **DATE:** July 14, 2021

**FROM:** Mary Sliman

**SUBJECT:** CONDEMNATION ORDINANCE FOR:  
716 SAINT CHARLES STREET  
MARCELITE ETIENNE, C/O GERALD J. BLOCK, ATTORNEY APPOINTED

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Attached is an ordinance requesting condemnation of the building located at 716 Saint Charles Street, Lafayette, La, along with a case synopsis, recommendation to demolish/condemn and inspector's report and agenda item submittal form.

If all is in order, please place on the agenda for introduction on August 3, 2021.

A handwritten signature of Mary Sliman in cursive script.

Mary Sliman, Director  
Community Development and Planning Department

MS/mh

Attachment

## LAFAYETTE CITY COUNCIL MEETING

### AGENDA ITEM SUBMITTAL FORM

1. **JUSTIFICATION FOR REQUEST:** An Ordinance of the Lafayette City Council is required to declare one (1) residential building located at 716 Saint Charles Street, Lafayette, LA., owned by Marcelite Etienne, c/o Gerald J. Block, attorney appointed to be dilapidated and dangerous to the public and to order the condemnation and demolition of same.
2. **ACTION REQUESTED:** Adoption by the Lafayette City Council.
3. **REQUEST ACTION OF COUNCIL:**
  - A) **INTRODUCTION:** August 3, 2021
  - B) **FINAL ADOPTION:** September 7, 2021
4. **DOCUMENTATION INCLUDED WITH THIS REQUEST:**
  - A) Cover Memo from Director (1page)
  - B) Submittal Item Justification Form (1 page)
  - C) Proposed Ordinance (7 pages)
  - D) Internal Memo from Randy Viator, Housing Inspector II (4 pages)
  - E) Internal Memo from Mark Harson, Housing Inspector I (1 page)
5. **FISCAL IMPACT:**

\_\_\_\_\_ Fiscal Impact (Explain)

XXX No Fiscal Impact

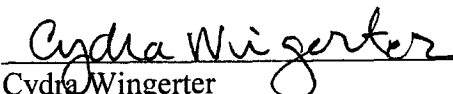
Community Development and Planning Department will contract to have this building or structure demolished at a cost of about \$ 5,000.00. A lien will be placed on this property for this amount and it will be collected after one year through the Lafayette City-Parish Consolidated Government's tax collection procedure. Total cost to the Lafayette City-Parish Consolidated Government is \$0.

Recommended by:



Mary Shuman, Director  
Community Development and Planning Department

Approved for agenda:



Cydra Wingerter  
Chief Administrative Officer

DISPOSITION OF ORDINANCE NO. CO-110-2021

1. This ordinance was introduced:  
August 3, 2021  
YEAS: Lewis, Naquin,  
Hebert, Cook, Lazard

NAYS: None

ABSENT: None

ABSTAIN: None

Final disposition by Council:  
September 7, 2021  
YEAS: Lewis, Naquin,  
Hebert, Cook, Lazard

NAYS: None

ABSENT: None

ABSTAIN: None

2. Notice of Public Hearing: This ordinance was published by Title and Notice of Public Hearing was published in the Advertiser on August 6, 2021.

3. This ordinance was presented to the Mayor-President for approval on September 8, 2021, at 9:45 o'clock 2 .m.

  
CLERK OF THE COUNCIL

4. Disposition by Mayor-President:

I hereby:

- A. Approve this ordinance, the 20 day of SEPTEMBER, 2021, at 3:30 o'clock P .m.
- B. Veto this ordinance, the \_\_\_\_\_ day of \_\_\_\_\_, 2021, at \_\_\_\_\_ o'clock \_\_\_\_\_ .m., veto message is attached.
- C. Line item veto certain items this \_\_\_\_\_ day of \_\_\_\_\_, 2021, at \_\_\_\_\_ o'clock \_\_\_\_\_ .m., veto message is attached.

  
MAYOR-PRESIDENT

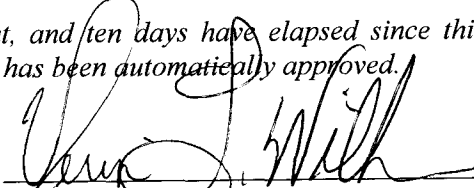
5. Returned to Council Office with without veto message on September 20, 2021, at 3:47 o'clock P .m.

6. Reconsideration by Council (if vetoed):

On \_\_\_\_\_, 2021, the Council did/refused to adopt this ordinance after the Mayor-President's veto.

7. Returned to the Council Office without signature of Mayor-President (*unsigned*) on \_\_\_\_\_, 2021, at \_\_\_\_\_ o'clock \_\_\_\_\_ .m.

*If not signed or vetoed by the Mayor-President, and ten days have elapsed since this ordinance was presented to him for action, same has been automatically approved.*

  
CLERK OF THE COUNCIL

8. Full publication of this ordinance was made in the Advertiser on September 10, 2021.