

CHAPTER 13

ALCOHOL BEVERAGE CONTROL

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Section 13.1 Liquor permits

A. There shall be issued the following types of Class A retail liquor permits to businesses dealing in the sale of beverages of high alcoholic content of more than six (6%) percent by volume:

(1) Class A-General:

(a) A Class A-General retail permit shall be issued only to a retail outlet where beverage alcohol is sold on the premises for consumption on the premises by paying customers. Such an establishment must be equipped with a permanent wet bar equipped with a non-movable sink and a backbar or similar equipment for public display and to inform the public of brands and flavors offered for sale.

(b) A Class A-General retail establishment shall be staffed by a bartender whose primary duty is to open and/or prepare beverage alcohol products for consumption on the premises by paying customers, or prepared with an appropriate lid or cover on the container for take out service. Such an establishment must meet all state and town health and zoning requirements where a Class A-General retail outlet is located.

(c) (Blank)

(d) A Class A-General retail permit shall be issued only to an establishment where state law

provides that no person under the age of eighteen (18) years is allowed on the premises except as provided by R.S. 26:90(A)(8)(a).

(e) Notwithstanding Subparagraphs (a) through (d) of this Paragraph, the permitting authority may issue a Class A-General liquor permit to any bona fide commercial film theater which had a Class A liquor permit on January 1, 1994.

(f) Notwithstanding Subparagraphs (a) through (e) of this Paragraph, the permitting authority may issue a Class A-General retail permit to any retail establishment for consumption on or off the premises. Such establishment must meet all state and town health and zoning requirements where the retail outlet is located. A Class-General retail permit issued to the permitting authority by this Subparagraph shall not be deemed or qualify as a prerequisite for the issuance of any other type license or permit issued by the town.

(g) The licensed premises of a Class A-General retail permit shall be able to accommodate a minimum of twenty-five (25) patrons and contain no less than three hundred seventy-five (375) square feet of public habitable floor area.

(h) (Blank)

(i) Any Class A-General retail permit application submitted prior to September 1, 2001, shall not be required to meet the qualifications set forth in Subparagraph (g) of this Paragraph.

(2) Class A-Restaurant:

A Class A-Restaurant permit shall be issued only to a "restaurant establishment" as defined in this paragraph and issued to a facility in conjunction with a Class "R" restaurant permit. "Restaurant establishment" means an establishment:

(a) Which operates a place of business whose purpose and primary function is to take orders for and serve food and food items.

(b) Which serves alcoholic beverages in conjunction with meals.

(c) Which serves food on all days of operation.

(d) (Blank)

(e) Which maintains separate sales figures for alcoholic beverages.

(f) Which operates a fully equipped kitchen used for the preparation of uncooked foods for service and consumption of such foods on the premises.

B. Fee schedule. Before engaging in the business of dealing in alcoholic beverages having an alcoholic content of more than six (6%) percent by volume, all persons shall apply for and obtain from the tax collector of the town annually, dating from January 1 of each year, an annual permit to conduct each separate business located within the corporate limits of the town and shall pay for each permit according to the following schedule:

- (1) Manufacturers: \$150.00 for each establishment.
 - (2) Wholesalers: \$150.00 for each place of business.
 - (3) Retailers:
 - (a) Class A-General: \$300.00 for each place of business.
 - (b) Class A-Restaurant: \$300.00 for each place of business.
 - (c) Class B: (Package) \$300.00 for each place of business.
- Ordinance 11 adopted 12/6/60; Ordinance 20 adopted 1/16/62; Ordinance 98 10/8/96)

Section 13.2 Beer permits

A. There shall be issued the following types of Class A retail beer permits to businesses dealing in alcoholic beverages having an alcoholic content of not more than six (6%) percent in volume:

- (1) Class A-General:
 - (a) A Class A-General retail permit shall be issued only to a retail outlet where beverage alcohol is sold on the premises for consumption on the premises by paying customers. Such an establishment must be equipped with a backbar or similar equipment for public display and to inform the public of brands and flavors offered for sale.
 - (b) A Class A-General retail establishment shall be staffed by a bartender whose primary duty is to open and/or prepare beverage alcohol products for consumption on the premises by paying customers, or prepared with an appropriate lid or cover on the container for take out service. Such an establishment must meet all state and town health and zoning requirements where a Class A-General retail outlet is located.
 - (c) (Blank)
 - (d) A Class A-General retail permit shall be issued only to an establishment where the state law provides that no person under the age of eighteen (18) years is allowed on the premises except

as provided in R.S. 26:286(A)(8)(a).

(e) Notwithstanding Subparagraphs (a) through (d) of this Paragraph, the permitting authority may issue a Class A-General retail permit for beverages of low alcoholic content to a bona fide commercial film theater which had a retailers, Class A permit for beverages of low alcoholic content on January 1, 1994.

(f) Notwithstanding Subparagraphs (a) through (e) of this Paragraph, the permitting authority may issue a Class A-General retail permit for beverages of low alcoholic content to any retail establishment for consumption of beverages of low alcoholic content on or off the premises. Such establishment must meet all state and town health and zoning requirements where the retail outlet is located. A Class-General retail permit for beverages of low alcoholic content issued pursuant to the authority by this Subparagraph shall not be deemed or qualify as a prerequisite for the issuance of any other type license or permit issued by the town.

(2) Class A-Restaurant:

A Class A-Restaurant permit shall be issued only to a "restaurant establishment" as defined in this Paragraph and issued to a facility in conjunction with a Class "R" restaurant permit. "Restaurant establishment" means an establishment:

(a) Which operates a place of business whose purpose and primary function is to take orders for and serve food and food items.

(b) Which serves alcoholic beverages in conjunction with meals.

(c) Which serves food on all days of operation.

(d) (Blank)

(e) Which maintains separate sales figures for alcoholic beverages.

(f) Which operates a fully equipped kitchen used for the preparation of uncooked foods for service and consumption of such foods on the premises.

(g) The licensed premises of a Class A-General retail permit shall be able to accommodate a minimum of twenty-five (25) patrons and contain no less than three hundred seventy-five (375') square feet of public habitable floor area.

(h) (Blank)

(i) Any Class A-General retail permit application submitted prior to September 1, 2001,

shall not be required to meet the qualifications set forth in Subparagraph (g) of this Paragraph.

B. Fee schedule. Before engaging in the business of dealing in alcoholic beverages having an alcoholic content of not more than six (6%) percent alcohol by volume, all persons shall apply for and obtain from the tax collector of the town annually, dating from January 1 of each year, an annual permit to conduct each separate business located within the corporate limits of the town and shall pay for each permit according to the following schedule:

- (1) Wholesale dealers \$60.00 for each place of business
- (2) Retail dealers:
 - (a) Class A-General \$30.00 for each place of business
 - (b) Class A-Restaurant \$30.00 for each place of business
 - (c) Class B: (Package) \$30.00 for each place of business
(Ordinance 11 adopted 12/6/60; Ordinance 20 adopted 1/16/62; Ordinance 98 adopted 10/8/96)

Section 13.3 Prohibited activities

No holder of a retail dealers' license and permit issued in the town and no servant, agent or employee of such licensee and permittee shall:

(1) Commit or do on the licensed premises any of the acts or things prohibited by R.S. 26:90, R.S. 26:286, or by any other applicable law of Louisiana, all of which are made a part hereof, by reference, for all purposes as fully as if written herein in extenso.

(2) Sell any of the beverages described in Section 13.1 or 13.2 between the hours of 2:00 a.m. o'clock and 5:00 o'clock daily to conduct the operation of said business between the hours of 2:00 a.m. o'clock and 5:00 a.m. o'clock daily. Restaurants, grocery stores, drug stores, or other businesses may remain open for the sale of other items permitted by law, but any sale or consumption of alcoholic beverages in such places of business during the prohibited period of 2:00 a.m. and 5:00 a.m. and as set forth further above is expressly prohibited. During the prohibited periods, no open glasses, bottles, cans or other containers holding alcoholic beverages shall be allowed anywhere on the licensed premises except in a locked cabinet or cupboard; provided that those businesses which maintain separate rooms for the conduct of business of dealing in alcohol beverages may securely close and lock said separate rooms. Proof of the finding of any open container holding alcoholic beverages at any other place in the license premises during the prohibited periods shall result in presumption that some of the contents of the container was consumed on license premises on the date found and shall further result in the presumption that the contents of the

container were sold by the permit holder, his manager, agent, servant, or employee on the date found. The term "open" as used in this Paragraph, includes, but not be restricted to, any container from which the top has at any time been removed, regardless whether it has been replaced and in the case of a sealed container, any container on which the seal has been broken.
(Ordinance 43 adopted 3/9/82; Ordinance adopted 1/5/88; Ordinance adopted 10/1/91)

Section 13.3.1 Closing time

It shall be unlawful for any person to refuse to leave a licensed premises at closing time when requested to do so by any agent, employee or servant of the licensed premises or any police officer.
(Ordinance 43 adopted 3/8/94)

Section 13.3.2 Remaining on premises of retail establishment after hours

It shall be unlawful for any person, other than an owner, manager, servant, agent, or employee, to remain on the premises of a retail establishment where beverage alcohol is sold for consumption on the premises by paying customers, after 2:30 a.m. of a bar room, saloon, lounge, or any establishment which receives its primary income from the sale of alcohol.
(Ordinance 2014-218 adopted 5/12/14)

Section 13.4 State license or permit required

No person, firm, or corporation applying for a license, or permit under this Chapter shall be entitled to any such licenses or permit, unless such person, firm, or corporation shall exhibit to the mayor of the town, evidence of a similar license or permit, issued by the state.
(Ordinance 11 adopted 12/6/60; Ordinance 20 adopted 1/16/62)

Section 13.5 Minimum distance required

No person, firm, or corporation shall conduct the sale of liquor or beverage defined in Sections 13.1 and 13.2 in any establishment, which shall not permit a full view of the interior of said establishment and no curtains, screen hanging, or obstruction of any sort shall be allowed or permitted that will in any way or at any time inference with the full view through any door, window, or entrance, of such establishment where liquors or beverages are sold, which establishment shall be not less than three hundred (300') feet from any church nor less than one hundred (100') feet from any school house.
(Ordinance 11 adopted 12/6/60; Ordinance 20 adopted 1/16/62; Ordinance adopted 7/3/73)

Section 13.6 Sale in dwellings

It shall be unlawful for any person to sell or permit the sale of any liquors and beverages defined in Sections 13.1 and 13.2 in any dwelling house a boarding house, provided this Section shall not apply to hotels or restaurants.

(Ordinance 11 adopted 12/6/60; Ordinance 20 adopted 1/16/62)

Section 13.7 Sale without license or permit; rule

If any business for the sale by wholesale or retail of any such malt, vinous, spirituous, alcoholic, or intoxicating liquors containing more than six (6%) percent of alcohol by volume be conducted without a license or permit previously obtained, as herein provided for, or if any business, for the sale by wholesale or retail of any such beer, porter ale, fruit juices, or wine of an alcoholic content not exceeding six (6%) percent but greater than one half of one (½%) percent of alcohol by volume, be conducted without a license or permit previously obtained, as herein provided for the town, through its mayor shall on motion in the district court, take a rule on the person, firm, or corporation to show cause on the fifth day, exclusive of holidays after service thereof, why said person, firm, or corporation shall not pay the amount of the license or permit herein provided for, and such penalties and costs herein provided for against such person, firm, or corporation. Upon the rule being made absolute, it shall be and for the purpose of this Chapter it is hereby considered a judgement in favor of the town, against such person, firm, or corporation for the amount decreed to be due for such license or permit and the penalties and costs and same shall be executed in the same manner as other judgements, and each and every violation of such order of court shall be considered a contempt thereof and punishable accordingly. All delinquent licenses or permits shall bear a penalty of twenty (20%) percent for delinquency, and if placed in the hands of an attorney at law for collections or suit the delinquent owing such permit shall pay attorney fees at the rate of ten (10%) percent on the amount due and demanded or sued for. The proceeds of licenses or permits and penalties shall be deposited in the general funds of the town. Licenses or permits herein provided for shall be delinquent ten (10) days after the commencing of the business herein licensed and regulated.

(Ordinance 11 adopted 12/6/60; Ordinance 20 adopted 1/16/62)

Section 13.8 License or permit form; evidence

The only legal evidence that a license, or permit has been issued or paid for shall be the appropriate form or license or permit issued by the mayor of the town which license or permit shall be substantially the form used by the state for such business, and which said license, or permit, shall be personal and not transferable.

(Ordinance 11 adopted 12/6/60; Ordinance 20 adopted 1/16/62)

Section 13.9 Penalties

Each and every violation of this Chapter by any person, firm, or corporation shall be punishable by a fine of not less than fifty (\$50) dollars, not more than three hundred (\$300) dollars, or imprisonment not less than ten (10) days not more than sixty (60) days, or both. Every day in which any provision of this Chapter shall be violated shall constitute a separate offense and be punishable as herein provided.

(Ordinance 11 adopted 12/6/60; Ordinance 20 adopted 1/16/62)

Section 13.10 Revocation of state license or permit

If any person, firm, or corporation, whether it be a wholesaler, jobber, retail dealer suffers the revocation of a license or permit to sell the beverages or liquors defined in Section 13.1 and Section 13.2, issued by the state, the license or permit shall ipso facto operate as a revocation of the license or permit herein provided for; and the person, firm, or corporation being thus deprived of such license or permit shall not be entitled to a refund of any portion of this license or permit fee. (Ordinance 11 adopted 12/6/60; Ordinance 20 adopted 1/16/62)

Section 13.11 Open containers and drinking in public

A. As used in this Section:

(1) "Open drinking containers" means any glass, plastic, paper, metal, or other container from which liquids may be consumed, and which are not closed, or covered in such a manner whereby liquids cannot be introduced into, or removed therefrom, including opened bottles, jugs, glasses, cups, goblets, mugs, or jars, or similar containers.

(2) "Alcoholic beverage" means any fluid, or solid capable of being converted into fluid, suitable for human consumption, and containing more than one-half of one (0.5%) per cent alcohol by volume, including malt, vinous, spirituous, alcoholic, or intoxicating liquor, whiskey, rum, vodka, gin, beer, porter, ale, stout, fruit juices, wine, or similar beverages.

B. It shall be unlawful:

(1) For any person to drink any alcoholic beverages in, or upon any public street, alley, sidewalk, right-of-way, park, playground, square, or other public place in the town.

(2) For any person to carry an opened drinking container containing any alcoholic beverage in, or upon any public street, alley, sidewalk, right-of-way, park, playground, square, or other public place in the town.

(3) For any person to possess any opened drinking container containing any alcoholic beverage in, or upon the parking lot, or other property belonging to, or adjacent to any premises licensed to sell alcoholic beverages. The provisions of this Paragraph shall not apply to any parking lot, or other property belonging to, or adjacent to any premises licensed to sell alcoholic beverages for public consumption within its premises.

(4) For any person to remove an opened drinking container containing any alcoholic beverage from any business, lounge, restaurant, or other establishment licensed to sell same, except

such removal from premises licensed to sell alcoholic beverages for public consumption within its premises, and then only onto the parking lot, or other property belonging to, or adjacent to any such premises.

C. Upon conviction of this Section, the offender shall be fined not less than fifty (\$50) dollars nor more than five hundred (\$500) dollars and/or imprisoned for not more than sixty (60) days.

D. Notwithstanding the prohibitions herein, the town may grant a special permit, and waiver to persons, or organizations who apply therefor, including but not necessarily limited to those who have rented or use any public facilities, or public areas for the conduct of wedding receptions, parties, or other functions such as fairs and/or festivals. The cost of said permit shall be fixed by a vote of the council, and shall authorize the persons, or organizations receiving permits for the use of said facilities, or public areas to serve alcoholic beverages for consumption in approved containers during the conduct of such functions.

(Ordinance 86 adopted 6/14/94; Ordinance 2014-220 adopted 8/11/14)