

## Ordinance 2 of 2021

### ALCOHOLIC BEVERAGES

#### Article I. In General

##### Sec. Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Alcoholic beverage* means any fluid or solid which is capable of being converted into fluid, suitable for human consumption, and containing more than one-half of one percent alcohol, by volume, including malt, vinous, spirituous, alcoholic or intoxicating liquors, beer, porter, ale, stout, fruit juice, cider or wine.

*Beverages of low alcoholic content* means alcoholic beverages containing not more than six(6) percent alcohol by volume.

*Beverages of high alcoholic content* means alcoholic beverages containing more than six (6) percent alcohol by volume.

*Commissioner* means the state commissioner of alcohol and tobacco control, who shall be the assistant secretary of alcohol and tobacco control in the state department of revenue, or his duly authorized agents.

*Liquor store* means as an establishment that operates as a place of business where the alcoholic beverages are the principal commodity sold for Off-Premise consumption.

*Movable structure* means a trailer, food truck, modular or portable building or other similar structures that may be moved or are mobile.

*Open container* means any container or receptacle of which the seal or stamp has been broken, or any container, bottle or can that has been opened subsequent to the filling of such container by the manufacturer, brewery or distillery of such alcoholic beverages. Alcoholic beverages contained in drinking glasses or cups, including plastic glasses and Styrofoam cups, regardless of whether such container has a top fixed thereto, shall be deemed and open container.

*Private motor vehicle* means any motorized vehicle which is not operating as a licensed passenger or contract carrier, including motorized two-wheel and three-wheeled vehicles.

*Public roads, streets, parks and highways* mean all public roads, streets, parks or highways, or public parking lots, including privately owned parking lots wherein parking is allowed without charge, public schools parking lots, parks and public playgrounds, that are within the parish and outside any incorporated area.

*Restaurant* means an establishment that has a properly equipped kitchen facility to cook hot meals on the premises and in operation, and a dining room with sufficient employee personnel to operate such facility. In order for such establishment to qualify as a restaurant, it must also have a posted or written menu listing the items available to customers on a daily basis during its regular hours of operation.

*Retail dealer* means every person who offers for sale, exposes for sale, has in is possession for sale or distribution, or sells alcoholic beverages in any quantity to persons other than licensed wholesale or retail dealers.

*Secretary* means the secretary of the state department of revenue or his duly authorized agents.

*Three hundred feet* means the distance from the nearest point of the property line of a church, synagogue, library, day care, playground or school to the nearest point of the premises to be licensed. Such distance shall be measured as a person walks, using the sidewalks, from the nearest point of the church, school, synagogue, library, day care or playground to the nearest point of the premises to be licensed.

Wholesale dealer means a person who sells alcoholic beverages to other licensed wholesale dealers or to licensed retail dealers.

**Sec. Gallonage tax.**

(a) There is hereby levied, in addition to all other excise, licenses or privilege taxes, a tax on all beverages of low alcoholic content sold and consumed within the municipal limits, of \$1.50 per standard barrel of 31 gallons, and at a like rate for fractional parts of a barrel.

(b) The tax levied by this section shall be collected by any and all state wholesale dealers from their vendees purchasing for consumption in the town on each sale and shall be remitted by such wholesale dealers to the secretary for each month, on or before the

twentieth day of each succeeding month, respectively, all in accordance with rules and regulations promulgated by the secretary.

(c) If a dealer in beverages of low alcoholic content fails to file a return and pay the tax due on the beverages within the time provided by this section, he shall be subject to a penalty of five (5) percent on the amount of tax if the period of delinquency is ten (10) days or less or 20 percent on the amount the tax if the period of delinquency is greater than ten (10) days. If an attorney is called upon to assist in collection, there shall be an additional sum due equal to ten (10) percent of both the amount of the penalties and tax due.

**Sec. Sales locations**

(a) It shall be unlawful for any person to sell, barter, exchange or otherwise dispose of alcoholic beverages except within those sections of the town wherein such sales are permitted.

(b) The provisions of this section shall not apply to the sale of packaged beverages of low alcoholic content for consumption on premises of authorized fairs or festivals when such fairs and festivals are approved by the town council.

(c) For purposes of this section, the term “packaged beverages of low alcoholic content” shall mean alcoholic beverages containing not more than six (6) percent alcohol by volume served directly from a package filled, sealed and labeled by a manufacturer licensed to do so under federal law. It shall not include alcoholic beverages mixed with any substance other than ice after the manufactured package is opened.

**State law reference**-Similar provisions, R.S. 26:81, 26:281.

**Sec. Sale near schools, churches, etc.**

(a) It shall be unlawful for any person to sell or otherwise dispose of any alcoholic beverages from, and no permit shall be granted for, any premises situated within three hundred (300) feet or less distance of a [full time day care center as defined in R.S. 17:405(A)(A4)], public playground or of a building occupied exclusively as a bona fide church, synagogue, public library or school, except a school of business education as a business college or school. The three hundred (300) feet shall be interpreted to mean as a person walks using sidewalks from the nearest point of the property line of the day care, public playground, church, synagogue, public library or school to the nearest point of the premises for which an alcoholic beverage permit is sought, as described in the application or permit.

(b) These restrictions shall not apply to any premises which are maintained as a bona fide hotel, railway car, or bona fide fraternal organization, nor shall they apply to

any premises licensed to deal in alcoholic beverages for period of one (1) year prior to May 25, 1948.

(c) For the purposes of this section, the term “public library” shall mean a public library which is located in a permanent structure and is open to the public for three (3) or more days per week.

(d) Persons engaged primarily in the sale, handling, distribution and storage of alcoholic beverages which are ultimately delivered or transported beyond the borders of the state are exempt from complying with the above standards set forth.

**State law reference**-Location restrictions authorized, R.S. 26:81, 26:281.

**Sec. Location exceptions.**

The prohibitions in Section            and            do not apply to any premises which are maintained as a bona fide hotel, or fraternal organization, nor to any premises which have been licensed to deal in alcoholic beverages for a period of one (1) year or longer prior to the adoption of the respective ordinances from which such sections are derived.

**State law reference**-Similar provisions, R.S. 26:81.

**Sec. Sales prohibited from a movable structure.**

- (a) **It shall be unlawful for any person to sell or otherwise dispose of alcoholic beverages at or from a movable structure.**
- (b) **It shall be lawful to sell alcoholic beverages of low content from a movable structure only at bona fide fairs and festivals authorized and approved by the town council.**

**Sec. Sign required relative to sales to underage persons.**

Each and every place or establishment where alcoholic beverages are sold or dispensed at retail, or otherwise, in the town, shall have a sign displayed in a prominent place, clearly visible to all, stating that no beverages of low or high alcoholic content will be sold or dispensed to person under the age of twenty-one (21) years of age. Such sign shall not be less than two(2) feet long and one(1) foot wide, in prominent letters sharply contrasting in color with the background of the sign.

**Sec. Drinking in public places.**

(a) It shall be unlawful for any person to consume alcoholic beverages of low or high alcoholic content on any public street, sidewalk, park, building, including any public school building, school grounds, football stadium, gymnasium, or any place of

amusement holding a retail occupational license from the town including skating rinks, bowling alleys, theaters, pool halls, dance halls and amusement centers.

(b) It shall be unlawful for any person conducting a business in the town, their employees or agents, including all holders of town occupational retail licenses, all places of amusement, including skating rinks, bowling alleys, theaters, dance halls, and amusement centers and all places of business where the public is invited, such as washeterias, to knowingly permit patrons or anyone to possess or consume alcoholic beverages on the premises of such businesses.

(c) This section shall not apply to persons who have alcoholic beverage permits from the town; provided, however, that this exception applies only to alcoholic beverages covered by the holder's permit.

**Sec. Hours of operation of retail and wholesale dealers.**

(a) It shall be unlawful for any retail or wholesale dealer to sell, barter, give or otherwise dispense alcoholic beverages or to permit or admit any member of the public into an establishment, or part thereof, where alcoholic beverages are the principal commodity sold, between the hours of 2:00 a.m. and 7:00 a.m. on weekdays and between the hours of 2:00 a.m. on Sunday until 7:00 a.m. on the following Monday, except as provided for in section ..

(b) In any establishment or part thereof where alcoholic beverages are the principal commodity sold or handled the alcoholic beverage permit holder shall remove all patrons and members of the public from the premises by 2:30 a.m. and the lights in the premises shall be extinguished and all doors to such premises will be locked. Further the lights will remain extinguished including outside lights until the premises opens for business as provided in subsection (a) of this section, except the permit holder and his or here employees or agents may enter the closed premises for the purpose of cleaning, taking stock or other work in the establishment.

**Sec. Sunday Sales.**

(a) It shall be unlawful for any retail or wholesale dealer to sell, barter, give or otherwise dispense alcoholic beverages of high alcoholic content between the hours of 2:00 a.m. Sunday until 7:a.m. the following Monday, except for bona fide restaurants as provided for in this chapter.

(1) The following provisions shall apply to bona fide restaurants:

(a) A bona fide restaurant, as defined in this section, shall be permitted to serve alcoholic beverages on Sundays but only between the hours of 12:00 noon and 12:00 midnight.

- (b) Any bona fide restaurant desiring to serve alcoholic beverages on Sundays in accordance with this section shall first apply in writing to the mayor or his designee for a Sunday alcoholic beverage permit for restaurants. Any applicant for such a permit shall furnish such information relative to its operations as may be required by the mayor or his designee including, but not necessarily limited to, information as to its gross sales alcoholic beverages as opposed to food sales and copies of the establishment owner's federal and state income tax returns for three years preceding the date of the application. All applications shall be sworn to and shall contain the full name of the applicant along with a complete description and true address of the premises on which the restaurant is located. It will be submitted along with all required documents submitted to the town for approval. It will further establish that the applicant is operating a bona fide restaurant by having a full and properly equipped kitchen facility. The applicant will submit an affidavit from the local health department showing compliance with all applicable health and sanitary requirements. The mayor or his designee shall arrange for a representative of the town to inspect the applicant's premises to determine whether a bona fide restaurant is being operated on such premises. If the mayor or his designee is satisfied that a bona fide restaurant is being operated on the premises of the applicant, he or she shall issue a Sunday alcoholic beverage permit for restaurants which shall be displayed in a conspicuous place on the premises of the applicant. Any permit issued pursuant to this section shall be subject to revocation or suspension for any grounds that a dealer's basic liquor permit may be revoked or suspended and also if the applicant should fail to continue to operate a bona fide restaurant.
- (c) If the mayor or his or her designee denies an application on the basis that the applicant is not operating a bona fide restaurant, the mayor shall give written notice to the applicant of the denial of the application and the grounds thereof. The applicant shall then have ten (10) days from the date of receipt of such written notice in which to appeal the decision to of the mayor or his or her designee to the entire town council. After a public hearing on the appeal, the council may by majority vote reverse the decision of the mayor or his or her designee. In the event of such a reversal, the mayor or his or her designee shall issue a Sunday alcoholic beverage permit for restaurants to the applicant.
- (d) The applicant will further be required to submit an affidavit from one qualified in conducting an audit of the business establishment showing that current audit has been performed and that seventy (70) percent of the sales were from the sale of food; provided, however, that the town shall have the

authority to conduct and audit of any holder of or applicant for a Sunday liquor sales permit in order to verify compliance with the provisions of this Section, and such holder or applicant shall be required to furnish such business records as required by the town for this audit. Any audit so performed shall be presumed prima facie correct, and the town may take any appropriated action base on the results of such audit, including revocation or denial of such permit.

- (e) For new businesses without prior business on which to base an audit of food sales, the Sunday liquor permit may be applied for and granted on a temporary basis contingent upon the audit being performed within 30 days, provided the other requirements establishing the existence of a bona fide restaurant are met.
  - (f) If a restaurant with a separate bar or lounge desires to sell alcoholic beverages pursuant to this article, it shall close and lock the bar or lounge at 2:30 a.m. on Sunday and not reopen the bar or lounge until 7:00 a.m. on Monday.
  - (g) Any Sunday alcoholic beverage permit issued pursuant to this section shall expire at the same time as the current basic liquor permit that the applicant obtained from the town; however, a Sunday alcoholic beverage permit for restaurants may be renewed from year to year if the basic permit is renewed and if the applicant still operates a bona fide restaurant. For the purpose of this section, the term "bona fide restaurant" is defined as an establishment that shall have been operated continuously as a restaurant for at least ninety (90) days prior to the date of its application for a Sunday alcoholic beverage permit for restaurants. However, to qualify as a bona fide restaurant the establishment's gross revenues from the sale of food during such ninety (90) day period must be at least seventy (70) percent of the gross sales of food and alcoholic beverages. If an establishment has a separate bar or lounge as part of its premises, the gross sale of the bar or lounge shall be excluded in determining whether the establishment meets the requirements that its food sales exceed its sale of alcoholic beverages (as indicated above) and in such cases, only the gross sale of food and beverage in the dining room areas of the establishment shall be considered. After the issuance of the permit, the establishment's food sales must be at least seventy (70) percent of the gross sales of food and alcoholic beverages for the establishment to be considered a bona fide restaurant.
- (2) Class "B" alcoholic beverage permit holders (which authorizes the dealer to sell for in sealed containers prepared for transportation and consumption off

the premises) may sell beverages of low alcoholic content and wine, for consumption off the permittee's premises on Sundays, but only between the hours of 7:00 a.m. and 12:00 midnight.

**Sec. Sunday sales-Fairs and festivals.**

(a) It shall be unlawful for fairs and festivals authorized and approved by the town council, in accordance with the provisions of this section, to sell and serve packaged beverages of low alcoholic content on Sundays at such fairs or festivals but only between the hours of 12:00 noon and 12:00 midnight.

(1) For purposes of this section, the term "packaged beverages of low alcoholic Content" shall mean alcoholic beverages containing not more than six (6) percent alcohol by volume served directly from a package filled, sealed and labeled by a manufacturer licensed to do so under federal law. It shall be not include alcoholic beverages mixed with any substance other than ice after the manufactured package is opened.

(b) Any person or persons desiring to operate, conduct or manage a festival or fair shall first apply to the town council at least thirty (30) days before the date on which the festival or fair is to be conducted, setting forth the following information:

(1) The name of the person or organization wishing to conduct such festival or fair.

a. If the festival or fair is to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of this organization and the authorized and responsible head of such organization.

b. If the organization is incorporated, a copy of the articles of incorporation shall be attached to the application.

(2) The name and telephone number(s) of the person or organization to whom the permit is to be issued.

(3) The names and addresses of all persons authorized to handle alcoholic beverages at such fair or festival.

(4) Certification that all persons handling alcoholic beverages have received copies of the applicable laws regarding the sale or distribution of alcoholic beverages.



- (5) Any applicant for such permit shall furnish information relative to its operations as may be required by the town council including, but not necessarily limited to, contracts with vendors at such fair or festival, plans for security and information about past violations.
- (6) A written plan shall be submitted setting forth all measures proposed to insure that adequate traffic control, crowd protection, and security on the premises of such festival or fair will be maintained, and that the ages of those purchasing alcoholic beverages will be monitored.
- (7) Any permit issued pursuant to this section shall be subject to revocation or suspension for any grounds that a dealer's basic alcoholic beverage permit may be revoked or suspended, and also if the applicant should fail to continue to operate in accordance with this section.
- (8) Any permit issued pursuant to this section shall be for the duration of the fair or festival only.
- (9) The town council shall, as a condition of the issuance of a permit, have the Authority to require the applicant to provide additional security or take any other measure deemed appropriate by the town council for the protection of patrons of the fair or festival.

**Sec. Sunday liquor service for bona fide private clubs.**

(a) A bona fide private club, as defined in the section, shall be permitted to serve alcoholic beverages on Sunday, but only between the hours of 12:00 noon and 12:00 midnight. Such a bona fide private club, however, may serve only the types of alcoholic beverages that it is licensed to serve at other times.

(b) Any bona fide private club designed to serve alcoholic beverages on Sunday in accordance with this section shall first apply to the police chief for a Sunday alcoholic beverage permit for private clubs. Any applicant for such a permit shall furnish such information relative to its operation as may be required by the police chief, including, but not limited to, articles of incorporation and other documents evidencing that the applicant is a bona fide private club. The police chief shall arrange for a representative of his department to inspect the applicant's premises to determine whether a bona fide private club is being operated on such premises. If the police chief is satisfied that a bona fide private club is being operated on the premises of the applicant, he or she shall issue a Sunday alcoholic beverage permit for private clubs which shall be displayed in a conspicuous place on the premises of the applicant. Any permit issued pursuant to the section shall be subject to revocation or suspension for any grounds that a dealer's basic

liquor permit may be revoked or suspended, and also, if the applicant should fail to continue to operate a bona fide private club.

(c) If the police chief denies an application on the basis that the applicant is not operating a bona fide private club, the police chief shall give written notice to the applicant of the denial of the application and the grounds therefor. Any applicant aggrieved by the decision of the police chief may, within ten (10) days from the date such decision is rendered, appeal to the mayor by filing written request with the office of the mayor for a review of such decision. The mayor shall review such decision within ten (10) days of the receipt of such request and shall affirm or reverse the decision of the police chief. The mayor shall give written notice to the applicant of his or her decision and the grounds therefor. Any applicant aggrieved by the decision of the mayor may, within ten (10) days from the date of receipt of such written notice, appeal to the town council by filing a written request with the clerk of council for a review of such decision. The town council shall thereafter hold a hearing on the appeal. After public hearing on the appeal, the council may by majority vote of the entire council reverse the decision of the mayor. In the event of such reversal, the police chief shall issue the applied-for permit to the applicant.

(d) For the purpose of this section, the term "bona fide private club" is defined as a voluntary, incorporated or unincorporated association of persons for purposes of social, literary, political, or other noncommercial nature which is patronized only by its members and any guests which have been specifically invited by and accompany such members. Equitable ownership of such must be held exclusively by its members. It must be nonprofit in nature, in that it must not be designed primarily to pay dividends on invested capital nor incomes to its members. After the issuance of the permit, the holder thereof must at all times meet the requirements of this section in order to be considered a bona fide private club.

(e) Any Sunday alcoholic beverage permit for private clubs issued pursuant to this section shall expire at the same time as the current basic liquor permit that the applicant obtained from the town. However, the Sunday alcoholic beverage permit for private clubs may be renewed form year to year if the applicant still operates a bona fide private club, as defined in this section. The annual fee for the issuance of a Sunday alcoholic beverage permit for private clubs shall \$250.00, which shall be paid in cash to the town prior to the issuance of the permit.

**Sec. Display or consumption during prohibited hours.**

It shall be unlawful for any person to do any of the following acts when the sale of alcoholic beverages is prohibited in any place where alcoholic beverages are sold:

(1) To display or allow to be displayed to the view of the public any whiskey, beer or alcoholic beverages after the bottle has been opened, in any bottle, can, glass, cup, vessel or article of any nature.

(2) To consume or allow the consumption of alcoholic beverages.

(3) For the permit holder, his or her employees or agents to permit any person to display to view of the public any whiskey, beer or alcoholic beverages after the bottle has been opened in any bottle, can, glass, cup, vessel or article of any nature or allow the consumption of alcoholic beverages on the licensed premises.

**Sec. Refusal to allow inspection.**

It shall be unlawful for any person to refuse to allow the law enforcement authorities of the town to make an inspection at any time of any place or business where alcoholic beverages are stored, sold, or handled, or otherwise hinder or prevent the inspection. This inspection shall include, but is not limited to, the inspection of business records, coolers, and storage rooms. The inspection allowed under this section is authorized solely for the purpose of ascertaining whether the business is operating as licensed.

**Sec. Purchase of alcohol by minors.**

(a) It shall be unlawful for any person under the age of twenty-one (21) to purchase any alcoholic beverage, either of high or low alcoholic content.

(b) It shall be unlawful for any person over the age of twenty-one (21) to purchase, on behalf of any person under the age of twenty-one (21), any alcoholic beverage, either high or low alcoholic content.

(c) Nothing in this section shall be construed as relieving any retail dealer in alcoholic beverages, either high or low alcoholic content, of any of the responsibilities imposed on him or her under the provisions of Title 26 of the Louisiana Revised Statutes, as amended.

**Sec. Entry of licensed premises of person under 21 years of age.**

(a) No person under the age of twenty-one (21) years shall go into or upon or remain in or upon or attempt to go into or upon or remain in any business, which belongs to another, where alcoholic beverages are the principle commodity sold, handled, or given away.

(b) The holder of any alcoholic beverage retail permit issued by town shall cause a sign with type of not less than 30-point type to be displayed at the point of entry to the licensed premises that reads: "Section of the Town of Haughton Code of Ordinances Prohibits Persons Under the Age of 21 From Coming Into or Remaining Upon These Premises. Violators May Be Subject to Imprisonment and/or Fine of Up to \$500.00.

(c) Whoever violates the provisions of this section shall be fined not more than \$500.00 or imprisoned for not more than sixty (60) days or both.

**Sec. Unlawful sales to persons under the age of 21.**

(a) Unlawful sales to persons under twenty-one (21) is the selling or otherwise delivering for value of any alcoholic beverage to any person twenty-one (21) years of age. Lack of knowledge of the person's age shall not be a defense.

(b) Violation; penalty.

(1) Whoever is found to be guilty of unlawful sales to persons under the age of twenty-one (21) shall be fined not less than \$300.00 nor more than \$500.00 and serve ten (10) days of community service to the town or serve ten (10) days in jail. Imposition or execution of sentence shall not be suspended.

(2) Subsequent offense(s). If the offender has been convicted previously, upon any subsequent conviction, he shall be subject to a fine of not less than \$300.00 or more than \$500.00 and incarceration of not less than ten days or more than 60 days in jail. Imposition or execution of sentence shall not be suspended.

**Sec. False identification prohibited; identification required.**

(a) No person under the age of twenty-one (21) years shall present or offer to any business, or its agents or employees, where alcoholic beverages are the principal commodity sold, handled or given away any verbal, written, printed, or photostatic evidence of age or identity which is false, fraudulent or not actually his or her own for the purpose of entering or going upon the premises of the business.

(b) No person shall enter or upon or remain in or upon any business, which belongs to another, where alcoholic beverages are the principle commodity sold, handled or given away unless such individual has on his or her person a driver's license, selective service card, state identification card or other lawfully issued photographic identification card which on its face establishes the age of the person as twenty-one (21) years of age or older. No such form of identification shall be accepted as proof of age if it has expired, or is defaced, mutilated or altered. If the driver's license, state identification card, selective service card or other lawful photographic identification submitted is a duplicate, the person shall submit additional identification information which contains the name, date of birth and photograph of the person. Educational

institution identification cards, check cashing identification cards or employee identification cards shall not be considered as lawful identification for purposes of this subsection.

- (c) The holder of any alcoholic beverage retail permit issued by the Town of Haughton shall cause a sign in type of not less than 30-point type to be displayed at the point of entry to the licensed premises that reads “ Section of the Code of Ordinances of the Town of Haughton prohibits the use of a false identification to gain entry to these premises. Legal photo I.D. required. Violators are subject to imprisonment and/or a \$500.00 fine”
- (d) Whoever violates the provisions of this section shall be fined not more than \$500.00 or imprisoned for not more than 60 days or both.

## **ARTICLE II. DEALER’S PERMIT**

### **Sec. Required.**

Before engaging in the business of dealing in alcoholic beverages, all wholesale and retail dealers shall obtain from the town a permit to conduct such business. No person shall sell or otherwise dispose of alcoholic beverages in any quantity whatsoever without first having obtained such permit.

**State law reference-power of (town) to require permits, R.S. 26:74, R.S. 26:274.**

### **Sec. Separate permit for each place of business.**

Separate alcoholic beverage permits shall be required for each place of business operated by a retail or wholesale dealer.

### **Sec. Applications generally.**

All applications for alcoholic beverage permits shall be made on forms supplied by the town and shall be submitted to the mayor or his or her designee. The applicant for an on-premises permit shall file, as part of his or hers application, a list of all alcoholic beverage handling employees.

### **Sec. Applicant to be fingerprinted.**

On submission of an application for a permit under this article, the applicant shall be fingerprinted.

**Sec. Qualifications of applicant.**

Applicants for permits under this article shall meet the qualifications and conditions prescribed in R.S. 26:80 and 26:280, and the requirements of this article, and if the applicant, or any other person required to have the same qualifications under the provisions of such sections, does not possess the required qualifications, the permit shall be denied.

**Sec. Approval or disapproval of application, examination.**

(a) No alcoholic beverage permit shall be issued or renewed until the application thereof has been approved by the mayor or his or her designee or the town council. The mayor or his or her designee is authorized to approve, without delay, any such application when he determines, in his or her discretion, that the applicant has the prescribed qualifications for such permit and has complied with all applicable provisions of this chapter. If the mayor or his or her designee disapproves such an application, the applicant may appeal the mayor's ruling to the town council by giving written notice to the town clerk within ten (10) days of the ruling. The town council will review the application and may reverse the mayor's ruling by a majority vote.

(b) No permit shall be issued, or retained after issuance, by any person who is an interposed person for another person or corporation. The mayor or his or her designee may require the applicant, or permit holder whom he reasonably suspects of being an interposed person for another, to submit to examination under oath before the mayor, his or her designee or the town council, and to present all records pertaining thereto for examination. If applicant or permit holder refuses to submit to examination and/or present records requested it shall be presumed that he or she is interposed for another.

**Sec. Fees prescribed.**

(a) The annual fee for an alcoholic beverage permit shall be as follows, which fee shall be paid in full on or before January 1 of each year.

(1) Wholesale dealers:

a. Beverages of low alcoholic content..... \$75.00

b. Beverages of high alcoholic content..... \$500.00

(2) Retail dealers:

- a. Beverages of low alcoholic content:
  - 1. Class "A"..... \$35.00
  - 2. Class "B"..... \$25.00
  
- b. Beverages of high alcoholic content:
  - 1. Class "A"..... \$500.00
  
  - 2. Class "B"..... \$500.00
  
- c. Beverages of alcoholic content of not more than 20 percent by volume:
  - Class "C"..... \$250.00

(b) All permit fees provided for in this article shall be collected by the town clerk. The town clerk is authorized to use such portion of the funds derived from the collection of such fees as may be necessary to cover expenses incurred by the police department. The town clerk shall pay the balance into the general fund of the town.

**State law reference – Power of town to require permit fees, R.S. 26:74, 26:274**

**Sec. Escrow account.**

Any person or dealer making application for a permit to sell beverages of high alcoholic content shall place on deposit in escrow with the tax collector, the sum of \$200.00 cash to guarantee the prompt payment of any sales and/or excise tax that may become due the town. At any time such taxpayer's account becomes delinquent in sales and/or excise tax, a debit may be issued against such escrow account to satisfy such indebtedness. At any time the balance in this account falls below an amount equal to one month's average sales tax remittance, a directive shall be issued invoking Section \_\_\_\_\_ which will revoke such dealer's license and cause him to cease operations in the town. The deposit in escrow will be returned to the permit holder, upon his request, three years or more after initial deposit, provided he has promptly made payment of his sales and excise taxes as they have become due to the town during the period the deposit is held in escrow.

**Sec. Issuance and signing.**

After the application for a permit under this article has been approved in accordance with Section \_\_\_\_\_, it shall be submitted to the town clerk, whom shall forthwith issue and sign the permit, upon payment of the prescribed fee.

**Sec. Transfer.**

All alcoholic beverage permits issued under this article shall be personal and nontransferable. If the business is sold during the period for which the permit was issued, the owner, or operator must apply and pay for a new permit in the manner and under the conditions set forth in this article. A retail or wholesale dealer shall conduct his business only in the premises for which the permit is issued and no permit shall authorize the conduct of business in any changed location, except upon application therefor submitted; provided, however, if the permission is granted to change such location no additional permit shall be required.

**Sec. Expiration and renewal.**

(a) A permit issued under this article shall be dated from January 1 of each year and shall be valid for the remainder of the calendar year, unless sooner suspended or revoked. Application for the renewal of such a permit shall be filed in the manner provided by this article on or before November 1 of each year. If a permittee fails to make his application for renewal and pay the permit fees by that date, there shall be added to the fee, in addition to other penalties provided in this chapter, a delinquency penalty of five (5) percent if the failure is for not more than thirty (30) days, with an additional five (5) percent for each additional thirty (30) days or fraction thereof during which the failure continues. If the dealer fails to make his application before December 31, the mayor or his or her designee may, without notice or hearing, suspend his right to do business.

(b) Any dealer whose application for renewal is filed before December 31 may continue business until issuance of the new permit, under the previous year's permit if it has not been suspended or revoked or the new permit withheld or denied.

(c) Renewal permits may be withheld or denied on the same grounds and in the same manner as an original permit.

**Sec. Display.**



A permit issued under this article, in addition to any other permit required to be displayed, shall be posted in a conspicuous place on the licensed premises so as to be easily seen and read by the public.

**State law reference-similar provisions, R.S. 26:76, 26:276.**

**Sec. Acts prohibited on licensed premises; suspension or revocation of permits.**

- (a) No person holding a retail dealer's permit and no servant, agent, or employee of the permittee shall do any of the following acts upon the licensed premises:
  - (1) a. Sell or serve alcoholic beverages to any person under the age of twenty (21) years unless such person submits any one of the following:
    - 1. A valid, current, state driver's license which contains a photograph of the person representing the driver's license.
    - 2. A valid, current, driver's license of another state which contains a photograph of the person and birth date of the person submitting the driver's license.
    - 3. A valid, current, special identification card issued by this state pursuant to R.S. 40:1321 containing a photograph of the person submitting the identification card.
    - 4. A valid, current, passport or visa issued by the federal government or another country or nation, that contains a permanently attached photograph of the person and the date of birth of the person submitting the passport or visa.
    - 5. A valid, current, military or federal identification card issued by the federal government containing a photograph of the person and date of birth of the person submitting the identification card.
- (b) Each form of identification listed above must on its face establish the age of the person as (twenty-one) 21 years or older, and there must be no reason to doubt the authenticity or correctness of the identification. No form of identification mentioned above shall be accepted as proof of age if it is expired, defaced, mutilated, or altered. If the driver's license, state identification card, or lawful identification submitted is a duplicate, the person shall submit additional information which contains the name, date of

birth, and picture of the person. In addition, an educational institution identification card, or employee identification card shall not be considered as lawful identification for the purposes of this subsection.

- (2) Sell or serve alcoholic beverages to any intoxicated person.
- (3)
  - a. Intentionally entice, aid or permit any person under the age of eighteen (18) years to visit or loiter in or about any place where alcoholic beverages or beer are the principal commodities sold, handled, or given away. However, the provisions of this section shall in no way prohibit the presence of any person under the age of eighteen (18) years on the or about a licensed premises for any function sponsored by a religious or charitable organization with tax exempt status under Section 501(3) of the Internal Revenue Code of the United States, or by a fraternal beneficiary society with tax exempt status under Section 501(8) of such code, and no alcoholic beverages are sold, handled, given away, or accessible during the presence of any such person.
  - b. Permit any person under eighteen (18) years of age to work in any capacity unless that person is a musician performing in a band on the premises under written contract for a specified period of time by the permittee, and the musician is under direct supervision of his parent or legal guardian.
- (4) Permit any prostitute to frequent the licensed premises, or to solicit patrons for prostitution on the licensed premises.
- (5) Sell, offer for sale, possess, or permit the consumption on the licensed premises of any kind of type of alcoholic beverages, the sale, or possession of which is not authorized under his or hers permit.
- (6) Intentionally conduct illegal gambling, as defined by law, on the premises described in the application for the permit.
- (7) Employ or permit persons, commonly known as B drinkers, to solicit patrons for drinks and to accept drinks from patrons and receive therefor any commission or any remuneration in any other way.
- (8)
  - a. Employ anyone under the age of eighteen (18) in any capacity in an establishment where the sales of alcoholic beverages constitutes its main business unless the minor is a musician performing in a band on the premises under written contract with the permittee for

specified time period and is under the direct supervision of his parent or legal guardian during such time. If the sale of alcoholic beverages does not constitute the main business of the establishment, any one under the age of eighteen(18) may be employed as long as the minor's employment does not involve the sale, mixing, dispensing, or serving of alcoholic beverages for consumption on the premises.

- b. If the sale or handling of alcoholic beverages does not constitute the main business and alcoholic beverages are not sold for consumption on the premises, an employee under the age of eighteen(18) years may be permitted to participate in the sale of packaged alcoholic beverages to collect the price and taxes and issue receipts therefor, or may be permitted to bag packaged alcoholic beverages, or both, where immediate supervision is provided.
- (9) Allow the sale, dispensing, or distribution of alcoholic beverages in any type of automatic mechanical vending machine activated by the use of a coin, token, or similar instrument. The provisions of this subsection shall not apply to establishments exempt from holding permits under this chapter.
  - (10) Permit the playing of pool or billiards by any person under eighteen(18) years of age, or permit such a person to frequent the licensed premises operating a pool or billiard hall, except in a structure where the position of the pool or billiards playing area is separate and distinct from the area where alcoholic beverages are dispensed to patrons.
  - (11) Illegally sell, offer for sale, possess, or permit the consumption on or about the licensed premises of any kind or type of controlled dangerous substances.
  - (12) Accept food stamps coupons or cards as payment for alcoholic beverages in violation of the provisions of Public Law 88-525 and Regulation 1600.2(i) issued pursuant to that section of the federal statute by the United States Secretary of the Department of Agriculture.
  - (13) Permit any disturbance of the peace or obscenity, or any lewd, immoral, or improper entertainment, conduct, or practices on the licensed premises.
  - (14) a. Play live or recorded music which is so unreasonably intrusive or offensive as to interfere with the comfortable enjoyment of the property of a person residing within two hundred(200) feet of the premises. This prohibition shall not apply to any licensed premises which are not located within two hundred(200) feet of a residence or

which were not located within two hundred(200) feet of a residence on the date that the first permit was granted for the premises. This prohibition shall not apply to any premises which provide an entry area with two(2) separate doors or sets of doors separating the exterior of the entrance from the area where music is played. Any licensed premises which are not, on the effective date of this subsection, in compliance with the provisions of this subsection, shall have a reasonable time either to modify the premises to comply with this subsection or to cease the playing of music as described in this subsection.

- b. Any person residing within two hundred(200) feet of licensed premises on which is played live or recorded music which is so unreasonably intrusive or offensive as to interfere with the comfortable enjoyment of his property shall have a cause of action for damages and may obtain injunctive relief if the premises are not in compliance with the provisions of this subsection.

(15) Sell or serve any alcoholic beverages at a priced fixed on an “all you can drink” basis after the hour of 10:00 p.m.

(b) The following acts of conduct on licensed premises are deemed to constitute lewd, immoral, or improper entertainment as prohibited by this section and therefore no on-sale permit for alcoholic beverages shall be held at any premises where such conduct or acts are permitted:

- (1) Employment or use of any person in the sale or service of alcoholic beverages in or upon the licensed premises while such person is unclothed or in such attire, costume, or clothing as to expose to view any portion of the female breast below the top of the areola or of any portion of the pubic hair, anus, cleft of the buttocks, vulva, or genitals.
- (2) Employment or use of the services of any hostess or other person to mingle with the patrons while such hostess or other person is unclothed or in such attire, costume, or clothing as described in subsection (b)(1) of this section.
- (3) Encouraging or permitting any person on the licensed premises to touch, caress, or fondle the breasts, buttocks, anus, or genitals of any other person.
- (4) Permitting any employee or person to wear or use any device or covering, exposed to view, which simulates the breast, genitals, anus, pubic hair, or any portion thereof.

(c) Acts or conduct on licensed premises in violation of this section are deemed to constitute lewd, immoral, or improper entertainment as prohibited by this section and therefore no on-sale permit for alcoholic beverages shall be held at any premises where such conduct and acts are permitted.

(d) Live entertainment is permitted on any licensed premises, except that no permittee shall permit any person to perform acts of or acts which simulate:

- (1) Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited.
- (2) The touching, caressing, or fondling of the breast, buttocks, anus or genitals.
- (3) The displaying of the pubic hair, anus, vulva, genitals, or nipple of the female breast.

(e) Subject to the provisions of subsection (d) of this section, entertainers whose breasts or buttocks are exposed to view shall perform only upon a stage at least eighteen (18) inches above the immediate floor level and removed at least three (3) feet from the nearest patron.

(f) No permittee shall permit any person to use artificial devices or inanimate objects to depict any of the prohibited activities described in this section.

(g) The following acts or conduct on licensed premises are deemed to constitute lewd or immoral, or improper entertainment as prohibited by the section and therefore no on-sale permit for alcoholic beverages shall be held at any premises where such conduct or acts are permitted: including the showing of film, still pictures, electronic reproduction, or other visual reproductions depicting:

- (1) Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.
- (2) Any person being touched, caressed, or fondled on the breast, buttocks, anus or genitals.
- (3) Scenes wherein a person displays the vulva or the anus or the genitals.

- (4) Scenes wherein artificial devices or inanimate objects are employed to depict, or drawings are employed to portray, any of the prohibited activities described in this section.
- (h) No person holding a retail dealer's permit and no servant, agent, or employee of the permittee shall do any of the following acts upon the licensed premises:
- (1) Permit or allow any alcoholic beverage handling employee, as defined in sections \_\_\_\_\_ of this chapter, regardless of gender, or the permit holder, his agents and representatives directly or indirectly by use of advertisements, cards and printed matter, to solicit patrons for drinks for themselves, other employees, agents and representatives of permit holder.
  - (2) Fail to maintain a price list posted on the bar in a conspicuous place or on pamphlets or cards placed on all of the permittee's bars and tables in clear legible print of the current retail price of drinks. If the bar list is used the print and figures will be at least one (1) inch in height. If the permittee elects to use cards or pamphlets to post drink prices, it shall be his or her responsibility to ensure that the lists are in fact on the bars and tables of his premises at all times.
  - (3) Fail to keep the premises clean and sanitary.
  - (4) Permit or allow alcoholic beverage employees to work without a valid alcoholic beverage handling (ABO) card.
  - (5) Permit gambling by patrons, members of the public, employees or agents on the licensed premises or premises parking lot. In this regard, gambling is defined as the intentional conducting of, or participating in, any game, contest, lottery or contrivance of chance whereby a person risks the loss of anything of value in order to realize a profit.
  - (6) Violate the closing requirements set forth in section \_\_\_\_\_. A criminal conviction is not required.
  - (7) To disburse or permit the disbursement of alcoholic beverages, including beer, in an open container for consumption off the licensed premises; or to furnish open containers to patrons for the intent and purpose of removal and consumption of alcoholic beverages off the licensed premises. "Open Container" is defined as any container not sealed by the distillery of the alcoholic beverage and includes but is not limited to, paper or plastic containers regardless as to whether the container has a top affixed thereto.

“License premises” for bona fide hotels and motels, for this provision only, means all of the hotel/motel structures and grounds, except parking lots.

- (8) Permit any disturbance or the peace or obscenity or lewd, immoral or improper entertainment, conduct or practices on the licensed premises.
- (i) Violation of this section by a retail dealer’s agent, employee, representative or servant shall be considered the retail dealer’s act for purposes of suspension or revocation of the permit.
- (j) Violation of this section is punishable by a fine of not less than \$100.00 nor more than \$500.00, or by imprisonment for not less than thirty (30) days nor more than sixty (60) days, and is also sufficient cause for the suspension or revocation of a permit.
- (k) Notwithstanding the issuance of a permit by way of renewal, the town council may revoke or suspend such permit, as prescribed by this chapter, for violations of this section occurring during the permit period immediately preceding the issuance of such permit.

**State law reference – Similar provisions, R.S. 26:90, 26:286.**

**Sec. Additional causes for suspension or revocation of permits.**

(a) In addition to any other causes enumerated in this chapter, the town council may suspend or revoke any permit for any of the following causes:

- (1) a. If there was any misstatement or suppression of fact in the application for the permit.
- b. If the tap marker misrepresents the brand of low alcoholic beverage being drawn from the container as filled by the manufacturer.
- (2) If the permit was granted to any person who is or has been engaged in the business of dealing in alcoholic beverages with a person whose application for a permit has been denied or whose permit has been revoked, in the relationship of spouse, agent, partner, employer, or interposed person.
- (3) If the permittee has been found guilty by the mayor, justice of the peace court, or district court, as the case may be, of any of the following offenses:
  - a. Violation of any then-existing Sunday closing law.

- b. Violation of any municipal or parish or other ordinance providing for Sunday closing hours.
  - c. Violation of any municipal or parish ordinance regulating alcoholic beverages, if the ordinance provides for revocation of the permit for its violation.
- (4) If any retail dealer fails to pay any excise taxes due by any regulated business to any parish or municipality.
  - (5) If after ten (10) days of being issued a wholesale dealer's permit, the permittee fails to meet all of the qualifications and requirements of a wholesale dealer as defined in this chapter.
  - (6) If a wholesale dealer fails to comply with R.S. 26:359.
  - (7) if a wholesale dealer sells to a person other than a licensed retail dealer or licensed wholesaler, or for delivery beyond the borders of the state to a licensed dealer in that state.
  - (8) If the applicant or any of the persons who must possess the same qualifications failed to possess the qualifications required by law at the time of application or fails to maintain such qualifications during the licensed year.
  - (9) If any person engaged in business as a brewer, manufacturer, or other producer, or as an importer or wholesaler of malt beverages or malt liquors, directly or indirectly or through an affiliate:
    - a. Requires, by agreement or otherwise, that any retail dealer engaged in the sale of malt beverages or malt liquors, purchase any such products from such persons to the exclusion in whole or in part of competing brands of malt beverages or malt liquors sold or offered for sale by other persons.
    - b. Induces, through any of the following means, any retail dealer engaged in the sale of malt beverages or malt liquors, to purchase any such products from such person to the exclusion in whole or in part of malt beverages or malt liquors sold or offered for sale by other persons.



1. By acquiring or holding, after the expiration of any existing license, any interest in any license with respect to the premises of the retail dealer;
  2. By acquiring any interest in real or personal property owned, occupied, or used by the retail dealer in the conduct of his business;
  3. By furnishing, giving, renting, lending, or selling to the retail dealer, any equipment, fixtures, signs, supplies, money, services, or other thing of value, subject to such exceptions as the commissioner may by regulation prescribe, having due regard for public health, the quantity and value of articles involved, established trade customs not contrary to the public interest and the purposes of this subsection;
  4. By paying or crediting the retail dealers for any advertising, display, or distribution service;
  5. By guaranteeing any loan or the repayment of any financial obligation of the retail dealer;
  6. By extending to the retail dealer credit; or
  7. By requiring the retail dealer to take and dispose of a certain quota of any of such products.
- c. Requires, by agreement or otherwise, that any wholesale dealer engaged in the sale of malt beverages or malt liquors sell any such product to the retail dealer to the exclusion in whole or in part of any other retail dealer engaged in the sale of malt beverages or malt liquors.
- d. Induces, through any one of the following means, any wholesale dealer engaged in the sale of malt beverages or malt liquors to sell any such products to the retail dealer to the exclusion in whole or in part of any other retail dealer engaged in the sale of malt beverages or malt liquors:
1. By acquiring or holding, after the expiration of any existing license, any interest in an license with respect to the operation of the wholesale dealer; or

2. By acquiring any interest in real or personal property owned, occupied, or used by the wholesale dealer in the conduct of his business.
  - e. Requires a wholesale dealer engaged in the sale of malt beverages or malt liquors to purchase merchandise, supplies, or any other thing of value from the retail dealer as a condition for the retail dealer to purchase malt beverages or malt liquor from the wholesale dealer for sale at retail.
  - f. Requires a wholesale dealer to furnish equipment, fixtures, signs, other promotional material, samples, supplies, services, or other things of value as a condition for the retail dealer to purchase malt beverages or malt liquor from the wholesale dealer to offer for sale at retail.
  - g. The town council may promulgate such rules and regulations as it deems necessary to carry out the provisions contained in subsections (a)(9)a through f of this section, including, but not limited to, the authority to provide for exceptions if determined to be in the public interest and to be necessary to further the purposes provided for in this chapter.
- (10) If any person engaged in business as a retail dealer of malt beverages or malt liquors, directly or indirectly or through an affiliate:
- a. Is involved in or in any way consents to engage in the purchase of malt beverages or malt liquors and sell any such products to the exclusion in whole or in part of malt beverages or malt liquors sold or offered for sale by other persons; or
  - b. Accepts or gives any inducement through any of the following means from or to any person engaged in the sale of malt beverages or malt liquors, to purchase or sell any such products from or to such persons to the exclusion in whole or part of malt beverages or malt liquors sold or offered for sale by other persons by agreeing to allow a brewer, manufacturer, or other producer or importer, or wholesaler of malt beverages or malt liquors, directly or indirectly or through an affiliate:
    1. To acquire or hold, after the expiration of any existing license, any interest in any license with respect to the premises of the retail dealer;

2. To acquire any interest in real or person property owned, occupied, or used by the retail dealer in the conduct of his business;
  3. To furnish, give, rent, lend, or sell to the retail dealer, any equipment, fixtures, signs, supplies, money, services, or other thing of value, subject to such exceptions as the commissioner shall by regulation prescribe, having due regard for public health, the quantity and value of articles involved, established trade customs not contrary to the public interest, and the purposes of this subsection;
  4. To pay or credit the retail dealer for any advertising, display, or distribution service;
  5. To guarantee any loan or the repayment of any financial obligation of the retail dealer;
  6. To extend to the retail dealer credit; or
  7. To require the retail dealer to take and dispose of a certain quota of any such products.
- c. Requires, by agreement or otherwise, that any wholesale dealer engaged in the sale of malt beverages or malt liquors sell any such products to the retail dealer to the exclusion in whole or in part of any other retail dealer engaged in the sale of malt beverages or malt liquors.
- d. Induces, through any of the following means, any wholesale dealer engaged in the sale of malt beverages or malt liquors to sell any products to the retail dealer to the exclusion in whole or in part of any other retail dealer engaged in the sale of malt beverages or malt liquors:
1. By acquiring or holding, after the expiration date of any existing license, any interest in any license with respect to the operation of the wholesale dealer;
  2. By acquiring any interest in real or personal property owned, occupied, or used by the wholesale dealer in the conduct of his business.

- e. Requires a wholesale dealer engaged in the sale of malt beverages or malt liquors to purchase merchandise, supplies, or any other thing of value from the retail dealer as a condition for the retail dealer to purchase malt beverages or malt liquor from the wholesale dealer for sale at retail.
  - f. Requires a wholesale dealer to furnish equipment, fixtures, signs, other promotional material, samples, supplies, services, or other things of value as a condition for the retail dealer to purchase malt beverages or malt liquor from the wholesale dealer to offer for sale at retail.
  - g. The town council may promulgate such rules and regulations as it deems necessary to carry out the provisions contained in subsections (a)(10)a through f of this section, including, but not limited to, the authority to provide for exceptions if determined to be in the public interest and to be necessary to further the purposes provided for in this chapter.
- (11) If the permittee, or his agent or employee, allows the placement, operations, or play of a video draw poker device upon the licensed premises in violation of provisions of R.S. 27:301 et seq.
- (12) If any wholesaler participates in any marketing or catalog program offering prizes or credits or anything of value to a retail dealer based on volume of purchases from the wholesale dealer or volume of sales to the public. Nothing in this section shall be construed to prohibit those marketing for catalog programs sponsored by breweries through the retail dealers offering prizes or credits or anything of value to the public nor those price promotional sales conducted as a business incentive.
- (13) a. If any permittee, or his agent, associate, employee, representative, or servant substitutes one brand of alcoholic beverage for a brand that has been specifically requested by a customer without the consent of the customer for substitution.
- b. For the purposes of subsection (a)(13) of this section the term “brand” means a kind, grade, make, or class of alcoholic beverage identified as being the product of a single manufacturer by a stamp, trademark, logo, or name.
- c. In addition to the penalties set forth in this chapter, the permittee may be liable in civil suit to the customer and to the wholesale dealer and

manufacturer or brewer of the requested alcoholic beverage for damages which result from the substitution. The court shall award the prevailing party in such an action reasonable attorney fees and costs.

- (14) If the applicant or persons who must possess the same qualifications fail to possess the qualifications required in R.S. 26:80 and 26:280 at the time of application or fails to maintain such qualifications during the licensed year.
- (15) If the permit was issued to an interposed person in contravention of R.S. 26:83.
- (16) If, without proper license, a retailer allows any person to consume any alcoholic beverage on the licensed premises or on any parking lot or open or closed space within or contiguous to the licensed premises.
- (17)
  - a. If any dealer or any person listed in B of R.S. 26:80 and R.S. 26:280 violates or has violated any provisions of Revised Statute title 26, as amended, or this chapter.
  - b. In addition to other causes enumerated in this chapter, the city council shall suspend or revoke any permit if any retail dealer fails to pay any sales taxes due to the town.
  - c. No retail dealer or any person or entity which owns or controls, directly or indirectly, any premises on which a retail dealer operates shall require a wholesaler of alcoholic beverages to obtain a license or permit, whether or not accompanied by a fee, from a retailer or any person or entity which owns, or controls, directly or indirectly, any premises on which a retail dealer operates for the privilege of soliciting for sale or selling alcoholic beverages to the retailer. For purposes of this subsection, the term "fees" shall not mean allowances, incentives, or any other recognized market practices.
- (b) In addition to any other causes enumerated in this chapter, the town council shall suspend or revoke any permit if any retail dealer fails to pay any sales taxes due the town.
- (C) No retail dealer or any person or entity which owns or controls, directly or indirectly, any premises on which a retail dealer operates shall require a wholesaler of alcoholic beverages to obtain a license or permit, whether or not accompanied by a fee, from a retailer or any person or entity which owns or controls, directly or indirectly, any premises on which a retail dealer operates for the privilege of soliciting for sale or selling

alcoholic beverages to the retailer. For purposes of this subsection “fees” shall not mean allowances, incentives, or any other recognized market practices.

**State law reference** – Similar provisions, R.S. 26:91, 26:287.

**Sec. \_\_\_\_\_ Revocation or suspension procedure.**

(a) Before any alcoholic beverage permit is suspended or revoked, the holder thereof shall be entitled to a hearing, and no such permit shall be suspended or revoked unless such a hearing has been held, and the majority of the town council thereafter votes for such suspension or revocation.

(b) A notice shall be served upon the holder of the permit stating the time and place of the hearing to be held by the town council, which shall be not less than ten (10) calendar days from the date such notice is given. The notice shall enumerate the cause or causes for suspending or revoking the permit and shall be sent by registered mail to the holder of the permit at the address of his place of business, as given in his application for the permit; or it may be served on him in person by an officer or employee of the town.

(c) The holder of an alcoholic beverage permit who is aggrieved by a decision of the town council to suspend or revoke his permit may, within ten (10) days of the notification of the decision, take a devolutive appeal to the district court having jurisdiction over his place of business, and on such appeal, trial shall be de novo. Within ten (10) calendar days from the signing of the judgement by the district court, the town council or the holder of the permit, as the case may be, may devolutively appeal from the judgement of the district court to the court of appeals as in ordinary civil cases.

**State law reference** – Suspension or revocation of permits, R.S. 33:4785 et seq.

**Sec. \_\_\_\_\_ Revocation or suspension not exclusive penalty.**

(a) Notwithstanding any other provision of this chapter to the contrary, the town council may, in lieu of or in addition to revocation, or suspension of a permit issued under the authority of this chapter, impose the following schedule of civil penalties to be paid into the town treasury for:

(1) The first offense, not less than \$50.00 but not more than \$500.00;

(2) The second offense, which occurs within three (3) years of the first offense, not less than \$250.00 but not more than \$1000.00; and

- (3) The third offense, which occurs within three (3) years of the first offense, not less than \$500.00 but not more than \$2500.00.
- (b) The civil penalties imposed upon any permittee or the revocation or suspension of a permit is in addition to and is not in lieu of or a limitation upon any other penalty imposed by law and not contained in this chapter.

### **ARTICLE III. ALCOHOLIC BEVERAGE HANDLING EMPLOYEE CARD**

#### **Sec. \_\_\_\_\_ Required.**

- (a) Every alcoholic beverage handling employee shall obtain an alcoholic beverage handling card prior to entering into employment on an alcoholic beverage permit holder's premises.
- (b) The provisions of this section shall not apply to persons selling beverages of low alcoholic content on a volunteer basis without pay on the premises of a town council approved fair or festival when a portion of the proceeds are retained by a nonprofit organization; however, each site of facility from which alcoholic beverages are dispensed shall be under the direct supervision during all hours operation by a manager holding a current alcoholic beverage handling employee card.

#### **Sec. \_\_\_\_\_ Responsibilities of alcoholic beverage permittees.**

- (a) It shall be unlawful for any alcoholic beverage permit holder to allow any alcoholic beverage permit holder to allow any alcoholic beverage handling employee, including, but not limited to servers, bartenders, managers, dancers, maintenance persons and floorwalkers to be present on the premises when alcoholic beverages or containers thereof are handled, dispensed, or consumed on the premises, unless such alcoholic beverages handling employee card issued under authority of this article. Immediately after employing any alcoholic beverage handling employee, the permit holder shall notify the department of public safety of such employment of such alcoholic beverage handling employee.
- (b) Any employee under the age of eighteen (18) years and who is not directly involved in the sale or handling of alcoholic beverages for consumption on the premises in an establishment which qualifies as a bona fide restaurant shall be exempt from the provision of the Code requiring an alcoholic beverage handling employee card in order to maintain employment, however, they must meet all requirements of section \_\_\_\_\_, except the age requirement and obtain a minor's work card prior to employment.

(c) A fee of \$5.00 shall be paid for issuance of each minor's work card.

**Sec. \_\_\_\_\_ Qualifications of applicant.**

An applicant for an alcoholic beverage handling employee card shall meet the following qualifications and conditions:

- (1) He or she must be a person of good character and reputation and eighteen (18) years of age or older.
- (2) He or she must not have been convicted of a felony under the laws of the United States, the state or any other state or country.
- (3) The applicant shall not have been convicted of prostitution, soliciting for prostitution, pandering, letting premises for prostitution, employing or permitting the presence of B drinkers, contributing to the delinquency of juveniles, keeping a disorderly place, letting a disorderly place, illegally dealing in controlled dangerous substances or any violation of the Uniform Controlled Dangerous Substances Law (R.S. 40:961 et seq.), or as such offenses may now or hereafter be otherwise named.
- (4) He must not have been convicted of violating the provisions of this chapter.
- (5) He must not have had his or her alcoholic beverage handling card revoked within two (2) years next preceding the application.
- (6) He or she must not have been convicted of violating any municipal or parish ordinance relating to alcoholic beverages. In such case, the granting or denial of a card is within the discretion of the mayor or his or her designee.
- (7) The applicant shall not have been convicted of any obscene, lewd or immoral act on any premises licensed under this chapter.
- (8) The applicant must truthfully answer all questions on the application. A material misstatement or suppression of fact in the application or accompanying affidavit is grounds for denial of a permit to handle alcoholic beverages.

**State law reference** – Qualifications of applicants for permits, R.S. 26:80, 26:280.



**Sec. \_\_\_\_\_ Issuance or denial.**

The mayor or his or her designee is hereby authorized to issue, without delay, an alcoholic beverage handling employee card when, in his or her discretion, he or she finds the applicant to be qualified or may deny the application.

**Sec. \_\_\_\_\_ Contents; fees.**

(a) A card issued pursuant to this article shall contain the picture of the person to whom it is issued. A fee of \$30.00 shall be paid for the issuance of each card.

(b) A money order will be made payable to the department of public safety and corrections in an amount equal to the charges set by that department to conduct a criminal history check on the applicant.

**Sec. \_\_\_\_\_ Term.**

All alcoholic beverage handling employee cards shall be for a term of three (3) years and shall expire on the anniversary of the date issued. All applications for renewal may be made within thirty (30) days of the expiration of the old card.

**Sec. \_\_\_\_\_ Valid on premises of any permit holder; exception.**

A card for an alcoholic beverage handling employee shall be good and valid for use on the premises of any alcoholic beverage permit holder, provided that the permit holder has notified the department of public safety of the name and address of the alcoholic handling employee card holder. Each alcoholic beverage permit holder shall maintain a current written list of all alcoholic beverage handling employees with their addresses on forms made available at the town police department; and shall make the list available for inspection when requested by the police department; and shall on or before the tenth (10) day of each month submit such list to the town police department showing all such employees employed by the permit holder during the prior month. Violation of this section is punishable as provide in section \_\_\_\_\_ of this Code.

**Sec. \_\_\_\_\_ Suspension or revocation; appeal.**

(a) An alcoholic beverage handling employee card may be suspended or revoked by the mayor or his or her designee if, at any time, the holder thereof fails to meet the qualifications prescribed by section \_\_\_\_\_ or if he or her violates any provision of this chapter or if he or she makes any misstatement of fact or suppresses any pertinent information of his or her application.

(b) Before any alcoholic beverage handling employee card is suspended or revoked, the holder thereof shall be given notice of his right to a hearing before the mayor or his or her designee. Such notice shall inform the card holder of the reason for which the mayor proposes to suspend or revoke the card and shall inform the card holder that, unless a hearing is requested within ten (10) days from the date the notice is sent, the mayor will suspend or revoke the card. Such notice shall be delivered either personally to the card holder or shall be sent by registered mail to the card holder's address given on his or her application for a card. In the event a hearing is not requested within ten (10) days of the date such notice is sent, the mayor may proceed forthwith to revoke or suspend the alcoholic beverage handling employee card. In the event a hearing is requested by the card holder, the mayor shall inform the card holder of the date of such hearing, which hearing shall be held within ten (10) days of the date of the receipt of the request for a hearing.

(c) The holder of an alcoholic beverage handling employee card who feels aggrieved by a decision of the mayor in suspending or revoking such card may, within ten (10) days of the notification of the decision of the mayor, appeal to the town council. The decision of the mayor shall be affirmed, unless a majority of the town council, at a hearing on such appeal, votes to overrule or modify such action.

Upon motion by Buck McGee, duly seconded by Carlton Anderson and Carried, the foregoing ordinance adopted by the Town of Haughton in regular session  
Convened on this 12 day of January, 2021.

YEAS: 5

NAYS: 0

ABSENT:0

ABSTAIN:0

*Misty Pee*

Misty Pee, Town Clerk

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Kim Gaspard, Mayor

