

**ORDINANCE NO. 2006-09 (ABC)**

Adopted: August 8, 2006  
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Repealing Ordinance No. 52 (ABC)

**ALCOHOLIC BEVERAGES**

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**ARTICLE I- DEFINITIONS**

For the purposes of this chapter, the following terms have the respective meanings ascribed to them in this section, except in those instances where the context indicates a different meaning:

- (1) *Alcoholic beverage* means beer, distilled spirits, and wine containing one-half of one (0.5) per cent or more of alcohol by volume. Beer includes but is not limited to ale, lager, porter, stout, sake and other similar fermented beverages brewed or produced from malt wholly or in part or from any substitute therefor. Distilled spirits include alcohol, ethanol, or spirits or wine in any form including all dilutions and mixtures thereof from whatever process produced.
  - a. *Beverages of low alcoholic content* means alcoholic beverages containing not more than six (6) per cent of alcohol by volume.
  - b. *Beverages of high alcoholic content* means alcoholic beverages containing more than six (6) per cent of alcohol by volume.
- (2) *Dealer* means any person who engages in the sale or distribution, at wholesale or retail, of alcoholic beverages within the city.

- (3) *Manufacturer* means any person who, directly or indirectly, personally or through any agency, engages in the making, blending, rectifying or other processing of alcoholic beverages in the city.
- (4) *Wholesale dealer* means any person who sells alcoholic beverages to licensed wholesale dealers or licensed retail dealers within the city.
- (5) *Retail dealer* means any person who offers for sale, exposes for sale, has in his possession for sale or distribution, or sells, alcoholic beverages in any quantity to persons other than licensed wholesale or retail dealers.
- (6) *Saloon* means a place where any person draws or removes alcoholic beverages from their containers for sale or consumption on the premises.
- (7) *Package house* means a place where a person sells alcoholic beverages in closed containers, prepared for transportation and consumption off the premises.
- (8) *Handle* means sell, use, distribute, store, consume, or otherwise handle.
- (9) *Class A retail dealer* shall mean any person who sells alcoholic beverages of low alcoholic content at retail for consumption on or off the licensed premises.
- (10) *Class B retail dealer* shall mean any person who sells alcoholic beverages of low alcoholic content at retail in bottles, cans or other sealed containers only and only for consumption off the licensed premises.
- (11) *Premises* means a licensed establishment where alcoholic beverages are kept, sold, stored or consumed which includes the lot of the licensed establishment, but shall exclude the sidewalk, street curb and street adjacent thereto.
- (12) *Hotel-motel hospitality rooms* means any room in a bona fide hotel or motel which is used for the purpose of the hospitable consumption of alcoholic beverages.
- (13) *Class A liquor retail dealer* shall mean any person who sells alcoholic beverages of high or low alcoholic content at retail for consumption on or off the licensed premises.
- (14) *Class B liquor retail dealer* shall mean any person who sells alcoholic beverages of high or low alcoholic content at retail in bottles, cans or other sealed containers and only for consumption off the licensed premises.
- (15) *Class C beer retail dealer* shall mean any person who sells alcoholic beverages of low alcoholic content at retail for consumption on or off the licensed premises.
- (16) *Class D beer retail dealer* shall mean any person who sells alcoholic beverages of low alcoholic content at retail in bottles, cans or other sealed containers only and only for consumption off the licensed premises.
- (17) *Valid identification* shall mean a driver's license, state identification card, selective service card or other lawful identification which on its face establishes the age of the person and for which there is no reason to doubt the authenticity or correctness of the identification; provided however that if the identification does not contain a picture of the person identified then such identification must be corroborated by a pictured identification card issued by a lawful governmental agency or subdivision thereof. 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, selective service card or other lawful identification is a duplicate, the person shall submit additional identification which contains the name, date of birth, and picture of the person. In addition, an educational institution card, check cashing card, or employee identification card shall not be considered as lawful identification for the purpose of this paragraph.

(18) *Class R dealer* shall mean any person operating a restaurant meeting the requirements of Article 1 (19), who has obtained a class R license (in conjunction with a class A or class C license or defined above) to sell, serve or allow the consumption of beer and/or wine in conjunction with the service of meals to be consumed on the premises between the hours of 10:00 a.m. and 10:00 p.m. on Sundays.

(19) *Restaurant*, for purposes of this chapter, shall mean an establishment:

- a. Which operates a place of business whose purpose and primary function is to take orders for, prepare and serve food and food items on the premises;
- b. Which serves alcoholic beverages in conjunction with meals;
- c. Which serves food on all days of operation;
- d. Which grosses sixty (60) per cent of its average monthly revenue from the sale of food and food items;
- e. Which maintains separate sales figures for alcoholic beverages; and
- f. Which operates a fully equipped kitchen used for the preparation of uncooked foods for service and consumption of such food on the premises.

## **ARTICLE II-PERMITS AND LICENSE**

### **Reservation of rights.**

The town reserves all rights that it might have under existing state laws relative to the issuance and revocation of permits.

### **Proper and legal federal, state and parish permit and license required; separate violation each day.**

It shall be unlawful for any person to do any act for which a permit or license is required by this chapter unless such person holds the proper and legal state and parish permit or license, and a legal permit or license from the United States when required. Each day's business by a wholesaler or a retailer without such a valid, unsuspended permit or license shall constitute a separate violation of this chapter.

### **SECTION A-PERMIT REQUIREMENTS**

- (1) Permit required; prior payment of fee before issuance; high content permit includes low content permit.

Every retail dealer and every wholesale dealer in alcoholic beverages of low alcoholic content or alcoholic beverages of high alcoholic content is hereby required to obtain from the town each year, an appropriate permit to conduct such business during each year in which such business is to be conducted, the issuance of which shall be conditioned upon the prior payment of the license or permit fees levied in Section C (1), (2), (3) or all, as the case may be. A permit to sell alcoholic beverages of high alcoholic content shall include, and obviate the necessity of, a permit to sell alcoholic beverages of low alcoholic content.

(2) Permit prerequisite to engaging in business.

No person shall engage in the business either of selling, offering for sale, or processing for sale or distribution of alcoholic beverages of low alcoholic content or alcoholic beverages of high alcoholic content without first obtaining the necessary permit required hereunder. All permits issued hereunder must be posted in a conspicuous place in the licensed premises.

(3) Council to determine issuance, certificate of approval.

The right to determine what persons shall or shall not be issued permits hereunder shall be vested in the town council of the town.

No permit hereunder, whether new or renewal, shall be issued by the town clerk unless he has received a certificate evidencing the approval of the application for a permit by the town council.

(4) Sale by wholesaler only where retailer's permit displayed; exceptions.

No wholesaler dealer shall sell to any retail dealer any of the alcoholic beverages described in Article I hereof, unless the retail dealer has posted in a conspicuous place in his establishment the permit required hereunder; provided, a wholesale dealer may sell such liquors to a retail dealer commencing a new business, or buying or taking over an established business for which a license and permit has been issued, if such retail dealer produces a certificate from the town clerk of the town dated not more than thirty-five days prior to the sale of liquors, evidencing the application for a license or permit hereunder.

(5) Separate permits required, transferability, changing location.

- a. Separate permits shall be required for each place of business operated by a retail dealer or wholesale dealer.
- b. All permits issued hereunder shall be personal and nontransferable, and shall become void upon the death of the permittee or licensee. If the business changes hands during the period for which the permit was issued, a new permit must be applied for and paid for.
- c. A retail dealer or wholesale dealer shall conduct the business only in the licensed premises, which premises shall include the lot of the licensee, but shall exclude the sidewalk, street curb and street adjacent thereto.
- d. No license or permit issued hereunder shall authorize the conducting of business in any changed location except upon application therefore submitted to the council, which may grant or deny it as it deems advisable. Should the location of the place of business be changed during the period the permit runs, such permit must be sent to the town clerk of the town, so that the proper changes of business location may be noted thereon. The permits shall at all times be prominently displayed by the dealer in his place of business so as to be seen and easily read by the public. The

premises, for which permits shall be issued within the meaning of this chapter shall include the lot of permittee but shall not include the sidewalk, street curb, or street, adjacent thereto.

## **SECTION B-PERMIT APPLICATION**

- (1) Permit applications-Where and when filed, delinquency penalty.
  - a. All applications for permits for new businesses shall be filed with the town clerk of the town.
  - b. Applications for renewals for a permit shall be filed with the clerk of the town on or before October 31<sup>st</sup>.
  - c. Should any retail dealer or wholesale dealer fail to file his application for the renewal of a permit for the ensuing year on or before October 31<sup>st</sup>, a penalty shall be imposed of 10% of the amount due for the permit applied for. If the application for the renewal of a permit is not filed until on or after January 1<sup>st</sup> of the year for which the permit is required, then the application may be denied.
  
- (2) Requirements, stamping, submitting to officers for investigation, submitting to council.
  - a. All applications for new or renewal permits shall be in writing, shall be sworn to before an officer authorized to administer oaths, shall be in duplicate original and shall contain the information and shall be accompanied by the documents set forth and detailed in Section D(7).
  - b. The town clerk shall immediately stamp upon each application the year, month and day on which it was received, and shall deliver both applications to the secretary and treasurer of the town. The secretary and treasurer shall deliver one of the applications to the mayor, retaining the other in the files of his office. The mayor shall then deliver such application to the assistant chief of police or to the chief of detectives, who shall immediately make an investigation of the applicant and of his character and reputation, and if the applicant is a partnership, an investigation as the character and reputation of each member thereof, and if the applicant is a corporation, the same investigation of each officer and manager of such corporation. When the investigation is completed, a written report of the results thereof shall be made and filed with the mayor, who in turn shall submit it to the town council.

## **SECTION C-PERMIT FEES**

- (1) Permit Fee-Alcoholic beverage of low alcoholic content.

There is hereby levied an annual permit fee against all persons who engage in the business of selling, either retail or wholesale, in the town any alcoholic beverage of low alcoholic content as follows:

- a. Class A liquor retail dealer . . . . . 500.00
- b. Class B liquor retail dealer (off-premises only) . . . 500.00
- c. Class C beer retail dealer . . . . .75.00
- d. Class D beer retail dealer (off-premises only) . . . . .60.00
- e. Class R . . . . . 25.00
- f. Class R Temporary . . . . .10.00

(2) Full fee regardless of date of commencing business.

In the event a business shall commence subsequent to January 1<sup>st</sup> of any year a full year's permit fee shall be collected regardless of time of commencement.

(3) Compliance with zoning requirements

All permits issued hereinabove shall comply with appropriate zoning ordinances of the town.

**SECTION D-QUALIFICATIONS OF APPLICANT AND CONTENTS OF APPLICATION**

(1) Qualifications of applicant.

Every applicant for an alcoholic beverage shall meet the following qualifications and conditions:

- a. Is a person of good character and reputation and over the age of 18
- b. Is a citizen of the United States and of the State of Louisiana continuously for a period of not less than 2 years next preceding the date of the filing of the application, provided that for purposes of a Class B retail dealer's permit only, the applicant shall not be required to meet the qualifications of residence set forth herein.
- c. Is the owner of the premises or has a bona fide written lease therefore.
- d. Has not been convicted of a felony under the laws of the United States, the State of Louisiana, or any other state or country.
- e. Has not been convicted in this or in any other state or by the United States or any other country of soliciting for prostitution, pandering, letting premises for prostitution, contributing to the delinquency of juveniles, keeping a disorderly place, letting a disorderly place, or illegally dealing in narcotics.

- f. Has not had a license or permit to sell or deal in alcoholic beverages, issued by the United States, by any state, or by any municipality or other political subdivision of any state authorized to issue permits or licenses with respect to alcoholic beverages, revoked within 5 years prior to the application, or been convicted or had a judgment of court rendered against him in a case involving alcoholic beverages by the courts of any other political subdivision, or the State of Louisiana or any other state, or the United States for 5 years prior to the application.
  - g. Has not been adjudged by any alcoholic beverage control board of this state to have violated, or been convicted by any court of violating, any of the provisions of this chapter or of the alcoholic beverage control laws or ordinances of any other state or political subdivision.
- (2) If the applicant is a partnership or anyone in partnership with or financed by another, all members of the partnership or all the persons in any way financially interested in the business shall also possess the qualifications required of an applicant. The application shall state the full names and proper residence addresses of all partners and persons financially interested, and each shall furnish his affidavit showing his qualifications, as required of an applicant
  - (3) If the applicant is a corporation, it shall be either organized under the laws of the State of Louisiana or qualified to do business within this state, and, all officers and directors and all stockholders owning in the aggregate more than 5% of the stock and the person or persons who shall conduct or manage the business shall possess the qualifications required of an applicant, to be shown by the affidavit of each accompanying the application, provided that with respect to applications for Class A and stockholders shall not be required to meet the requirements of citizenship and Class B permits only, the officers, directors and stockholders shall not be required to meet the requirements of citizenship and residence in the State of Louisiana
  - (4) If the applicant's business is to be conducted wholly or partly by one or more managers, agents, servants, employees or other representatives, that person shall also possess the qualifications required of the applicant, to be shown by the affidavit of each accompanying the application.
  - (5) If the applicant, and or person required to have the same qualifications, does not possess the required qualifications, the permit may be denied.
  - (6) No permit shall be issued to any applicant who is the spouse of a person who is ineligible for a permit, unless such applicant is legally separated from such spouse.
  - (7) Contents of application; fingerprinting of applicant; advertisement of new application.

Every application for a permit to engage in the sale at retail or wholesale of alcoholic beverages shall set forth and contain the following:

- h. The full name of the applicant, his correct home address and an accurate description and the correct address of the premises wherein the business is to be conducted, which latter address shall be considered the proper address for all notices to the applicant required by this chapter or by state law.
- i. The year, month, day and place of his birth. If the birth of the applicant occurred outside the United States, the applicant shall declare, if true, that he is a naturalized citizen of the United States and shall attach to the application a certificate of the clerk of court wherein naturalization occurred, showing that applicant was naturalized, and give the date of the order or judgment granting such naturalization. If such information cannot be set forth in any printed form which may be furnished, then it shall be set forth in a sworn statement which applicant shall attach to his application.
- j. A statement, if true, that applicant has continuously resided in Louisiana for two years prior to the filing of the application.
- k. A statement that the applicant is the owner of the premises to be licensed or has a bona fide written lease therefore, in which latter event the name of the lessor shall be shown in the application and a duplicate original or certified copy of such lease shall be filed by the applicant with the application on request of the secretary-treasurer, police, or town council.
- l. A statement that the applicant has not been charged with or convicted of a felony or misdemeanor under the laws of the United States, the State of Louisiana or any other state or country, or under the ordinances of any other municipality or political subdivision; or, if such convictions or charges have occurred, a complete list thereof, including the name of the court, the state and city or parish or county where each charge was made, the nature of each charge and the disposition thereof (i.e.-conviction and sentence received, dismissal without trial, acquittal or pending).
- m. A statement that no alcoholic beverage license or permit issued to the applicant or a partnership in which he was a partner or a corporation in which he was an officer, director or stockholder owning more than 5% of the stock has been revoked within 5 years prior to the filing of the application, and that no conviction by any court or adverse judgment against him, or a partnership or corporation in which he was interested as aforesaid, with respect to alcoholic beverages has ever occurred; or, if any such revocation or conviction has occurred, a full and complete disclosure regarding the same shall be made a part of the application and sworn to by the applicant.
- n. If the application is for a new business and is not for the renewal of a permit which has theretofore been issued to him and which has not been revoked, then the applicant for such new permit shall attach to his application a separate document (if no space is provided therefore in the application form), which shall be sworn to before an officer authorized to administer oaths, showing the following:

1. The cities, towns and places in the United States where he has lived. He shall give, if possible, the names of the streets and the numbers thereof of each place where he has resided.
  2. The work in which he has been engaged for the 10 years preceding the date of his application, with full details and particulars.
  3. Whether he has ever been known by any name other than the name given in the application. If so, he shall give the name or names under which he has been known or the name which he has assumed and the places where such names has been issued.
  4. Whether he has ever conducted a house of prostitution or been interested in any way or manner in the operation of such place, and whether he has been convicted of violating the White Slave Law.
  5. Whether he has sold or possessed for sale narcotics of any kind, or whether he is an alcoholic or a user of dope or narcotics.
  6. The places where he has operated saloons or cocktail lounges or other places where alcoholic beverages were sold; the places where he has worked in bars or lounges either as a bartender or in any other capacity.
- o. In order to carry out its duty to properly investigate all applicants for alcoholic beverage permits, the police department may require any applicant to submit to a fingerprint test in order that his background may be checked. Failure to submit to such a test on request of the police department shall be grounds for the denial, suspension or revocation of any alcoholic beverage permit.
  - p. Each applicant for a permit to conduct a new business shall give notice in the official journal of the town that he is applying in the town for a permit to engage in the sale of alcoholic beverages in the town, and shall attach to such application a certificate by the publisher of the official journal that such notice has been published for the period required by law.
  - q. Any misstatement, concealment or suppression of fact in any application or accompanying affidavit of document shall be sufficient ground for the denial, suspension or revocation of a permit.
- (8) Same-Additional requirements for class R permits.
- a. In addition to the other requirements set forth in this chapter, an applicant for a class R license shall attach to its application:
    1. Proof of issuance of a city class A or class C license;
    2. A copy of an affidavit from the local health department and the city building inspector showing compliance with all

- applicable health and sanitary requirements; and
3. An affidavit establishing that the establishment grosses sixty (60) per cent of its average monthly revenue from the sale of food and food items, including sales records, sales tax receipts, receipts for purchases of food, food items and alcoholic beverages.
- b. For new restaurant establishments without prior business experience on which to determine the gross revenue from the sale of the items as set forth in subsection (a)(3) above, a temporary license, which shall be valid for sixty (60) days, may be granted by the town council, to allow the establishment to make such a determination. Any establishment which has been granted a temporary license hereunder shall submit the necessary documentation as set forth in subsection (a)(3) above prior to the expiration of the sixty-day period. The fee for the temporary license shall be as set forth in Article II Section C.

### **SECTION E-REVOCATION, REFUSAL TO ISSUE**

In the exercise of its police power, whenever deemed advisable and for the general welfare, under this chapter or any applicable law of Louisiana, the town council may for good cause, revoke any permit previously issued. If any retail dealer has conducted, operated, or permitted, his place of business so as to become a dive, disorderly place, or nuisance, any application for the renewal of his license or permit hereunder may be refused.

- (1) Proximity to schools, churches, etc.

No permit shall be granted for any premises situated within 300 feet or less of a public playground or of a building used exclusively as a church or synagogue, public library, or school, except a school for business education conducted as a business college or school. With respect to beverage of high alcoholic content, the measurement of this distance shall be made from the nearest point of the property line of the church, synagogue, library, playground, or school to the nearest point of the property line of the premises to be licensed, or by such other method as may hereafter be prescribed by the laws of Louisiana. With respect to beverages of low alcoholic content, this distance shall be measured as a person walks using the sidewalk from the nearest point of the property line of the church or synagogue, library, playground, or school to the nearest point of the premises to be licensed, or by such method as may hereafter be prescribed by the laws of Louisiana. The restrictions contained in this section do not apply to premises which are maintained as a bona fide hotel, railway car, or fraternal organization.

- (2) Untruthful statements

Any person making any untruthful statements in the application for a permit or in any of the documents to be attached to the application, as herein provided and violating any of the provisions of this chapter shall upon conviction, be punished as provided in Article VI of this chapter. Any false statement made in connection with any application shall also be sufficient cause for refusing to issue a permit under the provisions hereof.

## **SECTION F-GALLONAGE TAX, AUTHORITY, COLLECTOR**

### (1) Gallonage tax-Amount, basis

In addition to all permits, licenses and taxes presently imposed, or permitted to be imposed, there is hereby levied a tax on all alcoholic beverages of low alcoholic content, of one and one-half dollars per barrel, or at a like rate on any other quantity or fractional part of such barrel, which tax shall be based on the amount of such beverage sold within the territorial limits of the town.

### (2) Authority, collector

The tax provided for herein shall be collected by the collector of revenue the State of Louisiana, and the amount thereof so collected remitted by the collector of revenue to the town each quarter in accordance with the provisions of Section 26:493 et seq., Louisiana Revised Statutes of 1950, as amended, and under such rules and regulations as the collector of revenue may promulgate agreeable with the provisions of law.

## **ARTICLE III-OPERATIONAL REGULATIONS**

### (1) Closing Times

All places of business where alcoholic beverages are kept, sold, stored for sale at retail, served or consumed, including without limitation thereto, cabarets, night clubs, road houses, saloons and public dance halls where alcoholic beverages are kept, sold, stored for sale at retail, served or consumed, shall close their places of business at 12:00 a.m. Saturday and remain so closed until 6:00 a.m. of the following Monday morning; and, during the hours when same shall be closed, all business activities on the premises shall cease.

### (2) Hotel-Motel Hospitality Rooms

The closing hours as set forth in (1) above shall not apply to hotel-motel hospitality rooms.

### (3) Exceptions, merchandise to be concealed during such hours

The provisions of Article III (1) shall not apply to any bona fide cigar stand, newsstand, drugstore, restaurant, hotel, motel or grocery store; provided no cigar stand newsstand, drugstore, restaurant, hotel, motel or grocery store herein exempted from the provisions of Article III (1) shall sell, serve, display, and is hereby prohibited from selling, serving, displaying or permitting to be displayed, in, on, or about such premises any alcoholic beverages from 12:00 a.m. Saturday until 6:00 a.m. on the following Monday morning. During the period hereinabove provided, such places of business shall keep all alcoholic liquors or beverages covered up. The provisions hereof are not intended to permit any place of business herein designated to remain open where that business is forbidden to remain open by any other provision of this code or ordinance of the town.

#### **ARTICLE IV-UNLAWFUL ACTS**

The following acts are hereby prohibited, and no person holding a permit as retail dealer, and no agent, associate, employee or representative or servant of any such person, shall do, or permit to be done any such acts, on or about the licensed premises:

- a. Sell or serve beverages authorized to be sold by the permit to any intoxicated person or to any person under the age of 21 years.
- b. Invite or permit any person under the age of 18 years to visit or loiter in or about any place where alcoholic beverages are the principal commodity sold or handled.
- c. Permit any prostitute to frequent the licensed premises, or to solicit patrons for prostitution on licensed premises.
- d. Permit any disturbance of the peace, obscenity, or any lewd, immoral or improper entertainment, conduct or practices on or about the licensed premises.
- e. Sell, offer for sale, possess or permit the consumption on or about the licensed premises of any kind or type of beverage, the sale or possession of which is not authorized under the dealer's permit.
- f. Employ or permit females, commonly known as "B Girls," to solicit patrons for drinks and to accept drinks from patrons and receive therefore any commission, or to receive remuneration therefore in any other way.
- g. Employ anyone under 18 years of age where the sale or handling of alcoholic beverages constitute the main business; provided females over such age may be employed as well as males; and provided further, if the sale of "handling of alcoholic beverages does not constitute the main business, an employee under 18 years of age shall not

be permitted to handle, serve or work with alcoholic beverages.

- h. Fail to keep the licensed premises well lighted, and all outside windows and doors open to view from the sidewalk or outside, or to keep the premises clean and sanitary.
- i. Permit the playing of pool or billiards on the licensed premises by any person under 18 years of age, or permit such person to visit or frequent the licensed premises operating a pool or billiard hall.
- j. Serve, sell or permit the sale of any of the alcoholic beverages described in Article I hereof, on weekdays between 12:00 a.m. and 6:00 a.m. of the following morning, or between the hours of 12:00 a.m. Saturday and 6:00 a.m. of the following Monday morning.
- k. Sell or permit the sale of any of the alcoholic beverages described in Article I hereof, on the sidewalk, street curb or street adjacent to the premises for which the permit or license is issued.
- l. Intentionally conduct illegal gambling, as now or may hereafter be defined by law, on the retail dealer's premises.
- m. Operate a wholesale or retail business, as defined in Article I, without first applying for and obtaining a permit therefore.

- (2) It shall be unlawful for any person, other than the proprietor or his employee, to stay or be found in any barroom, saloon or other place where alcoholic beverages are kept and sold between the hours stated in Article III (2) when such places are required to be closed.

- (4) Sale in lodginghouse prohibited.

It shall be unlawful for any person to sell, offer for sale, or keep for sale, any alcoholic beverage controlled by this chapter in any place or premises used as a dwelling house, a boarding house, a lodginghouse, or a rooming house; provided, nothing in this section shall apply to duly licensed hotels.

- (5) Sleeping in premises prohibited.

It shall be unlawful for any person to lie or sleep on the counters, tables, chairs or floor or other place in any barroom, saloon or other place wherein alcoholic beverages are kept and sold.

- (6) Sale at service stations prohibited; exception

It shall be unlawful to sell alcoholic beverages at any establishment where gasoline or motor fuel is sold except for sales of alcoholic beverages packaged

in bottles, cans or other sealed containers for consumption off the licensed premises, and provided that such sales not constitute the principal business activity of the licensed retail dealer.

- (7) Purchase, possession or consumption by minors
- a. It shall be unlawful for any person under the age of eighteen (18) to purchase or have public possession as defined in this chapter of any alcoholic beverage.
  - b. Anyone under the age of seventeen (17) who is found guilty of violating this section shall be dealt with in the manner provided by law for juveniles.
  - c. Anyone over the age of seventeen (17) who is found guilty of violating the provisions of this section shall be fined not more than one hundred dollars (\$100.00) or imprisoned for not more than six (6) months, or both. Any person apprehended while violating the provisions of this section shall be issued a citation by the apprehending law enforcement officer, which shall be paid in the same manner as provided for the offender of local traffic violation.
  - d. Any alcoholic beverages found in the possession of a person under the age of eighteen (18) in violation of this section shall be considered contraband and confiscated by any authorized law enforcement officer. Such contraband shall be then disposed of in the manner prescribed by this chapter.
- (8) Minors prohibited on licensed premises; exceptions.
- a. Generally.
    - (1) It shall be unlawful for anyone under the age of eighteen (18) to visit, loiter, or enter in or upon the premises of any place of business licensed under this chapter, except for any bona fide drugstore, restaurant, hotel, motel or grocery store, subject to the provisions of subsection (b) of this section.
    - (2) It shall be unlawful for anyone under the age of eighteen (18) to visit, loiter or enter in or upon any portion of the premises of any drugstore, restaurant, hotel, motel or grocery store used exclusively for the sale, consumption or serving alcoholic beverages, subject to the provisions of subsection (b) of this section.
  - b. Exceptions. Minors are prohibited on licensed premises except under the following:
    - (1) For an established religious purpose;

- (2) At a function sponsored by a bona fide nonprofit organization under 26 U.S.C. 501(c) where an individual had received or purchased a ticket for admission;
  - (3) When a person under twenty-one (21) years of age is accompanied by a parent or legal custodian twenty-one (21) years of age or older;
  - (4) The sale, handling, transport, or service in dispensing of any alcoholic beverage pursuant to lawful employment of a person under twenty-one (21) years of age by a duly licensed manufacturer, wholesaler, or retailer of alcoholic beverages.
- c. Anyone under the age of seventeen (17) who is found guilty of violating this section shall be dealt with in the manner provided by law for juveniles.
  - d. Anyone over the age of seventeen (17) who is found guilty of violating provisions of this section shall be fined not more than one hundred (\$100.00) or imprisoned for not more than six (6) months, or both. Any person apprehended while violating the provisions of this section shall be issued a citation by the apprehending law enforcement officer, which shall be paid in the same manner as provided for the offender of local traffic violations.
- (9) Purchase, consumption and public possession of alcoholic beverages-By persons over 17 but under age 21; penalties.
- a. It shall be unlawful for any person over the age of seventeen (17) but under the age of twenty-one (21) to purchase or have public possession of any alcoholic beverage.
  - b. Whoever violates the provisions of this section shall be fined not more than one hundred dollars (\$100.00) or imprisoned for not more than six (6) months, or both.
  - c. Any person apprehended while violating the provisions of this section shall be issued a citation by the apprehending law enforcement officer, which shall be paid in the same manner as provided for the offender of local traffic violations.
- (10) Unlawful purchase of alcoholic beverages by persons on behalf of persons under 21.
- a. It is unlawful for any person, other than a parent or legal custodian, as specified in R.S. 14:93.10(2)(a)(iii), to purchase on behalf of a person under twenty-one (21) years of age any alcoholic beverage.
  - b. Whoever violates the provisions of this section shall be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than thirty (30) days, or both.

**ARTICLE V-PROHIBITION OF POSSESSION OR CONSUMPTION OF  
ALCOHOLIC BEVERAGES IN MOTOR VEHICLES AND IN PUBLIC PLACES**

Definitions: For the purpose of this section, the following terms shall have the respective meaning ascribed to them:

- a. Alcoholic beverages: Any liquid, or any solid capable of being converted into fluid, suitable for human consumption, and containing more than one-half of one percent of alcohol by volume, including malt, vinous, spirituous, alcohol or intoxication liquors, beer, porter, ale, stout, fruit juices, cider and wine.
- b. Private motor vehicle: Any motorized vehicle regardless of the number of wheels said vehicle is mounted on.
- c. Sidewalks, grounds, streets, parks, highways and parking lots: Any public sidewalk, public grounds, public street, public park, public highway, or public parking lots within the Town of Sterlington; any privately owned parking lots within the Town of Sterlington wherein parking is allowed with charge; and public or private school parking lots, within the Town of Sterlington.
- d. Open container: Any container or receptacle containing alcoholic beverages, wherein the seal or stamp has been broken, or any container, bottle or can containing alcoholic beverages that has been open subsequent to the filling of such container by the manufactory, brewery or distillery of such alcoholic beverages. Alcoholic beverages contained in drinking glasses, cups, including plastic glasses and Styrofoam cups, regardless of whether such container has a top affixed thereto, shall be deemed an open container.

- (1) It shall be unlawful for any person to drink, consume or possess alcoholic beverages in an open container in any motor vehicle when such is upon the sidewalks, grounds, streets, parks, highways and parking lots, as defined above within the Town of Sterlington.

It shall be unlawful for the owner of any private motor vehicle or the driver, the owner is not then present in the motor vehicle, to knowingly keep or allow to be kept in a private motor vehicle when such is upon the sidewalks, grounds, streets, parks, highways, or parking lots of the Town of Sterlington as defined above, any alcoholic beverages in an open container. This provision shall not apply to alcoholic beverages possessed in the trunk of the motor vehicle, and shall not apply to alcoholic beverages possessed in motor vehicles not equipped with a trunk, provided that the alcoholic beverage is in some other area of the motor vehicle not normally occupied by the driver or passengers. A utility compartment or glove compartment shall be deemed to be within the area occupied by the driver and the passenger.

- (2) No person shall drink, consume or possess any alcoholic beverages in an open container on any sidewalks, grounds, streets, parks, highways, or parking lots of the Town of Sterlington as defined above.
- (3) Nothing contained herein shall be interpreted so as to prevent the sale of alcoholic beverages by any holder of a valid liquor license as issued by the State of Louisiana or the Town of Sterlington, whether such sale is by individual container or otherwise.
- (4) Whoever violates the provisions of this article shall be punished by a fine not exceeding \$500.00, or imprisonment for a term not exceeding 60 days or both such fine and imprisonment, within the discretion of the court.
- (5) If any provision or item of this article or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this article which can be given effect without the invalid provisions, items or applications and to this end the provisions of this article are hereby declared severable.

#### **ARTICLE VI-PENALTIES**

- (1) Violations-Penalties, persons responsible

It shall be unlawful for any person to violate or fail to comply with any of the provisions of this chapter. Any permittee or licensee or any agent or employee of such permittee or licensee convicted of violating any of the provisions of this chapter shall be punished in the manner indicated by the specific provisions violated, or where no specific penalty is provided therefore, such conviction shall be punished by a fine not exceeding \$500.00 or imprisoned for a term not exceeding 6 months or by both.

The officer or agent in charge of any corporation for which a license and permit as "retail dealer" may have been issued hereunder shall be subject to prosecution for any violation by such corporation, and upon conviction may be punished as provided above.

Any conviction under the provisions of this chapter shall be grounds for revocation or suspension of the violator's permit. A conviction under this chapter of a retail dealer's agent, associate, employee, representative or servant shall be considered the retail dealer's conviction for purposes of suspension or revocation of his permit.

- (2) Seizure and sale of beverage.

Any alcoholic beverage seized as a result of the violation of any of the provisions of this chapter shall be ordered confiscated and sold by the town and the proceeds from such sale shall be placed in the general fund of the town.

The above ordinance was introduced on the 25<sup>th</sup> day of July 2006, and duly considered and passed on the 8<sup>th</sup> day of August 2006, with an effective date of September 1, 2006, and also repealing Ordinance No. 52 (ABC).

YEAS: 4  
NAYES: 0  
ABSENT: 1

And the ordinance was declared adopted as Ordinance No. 2006-09 (ABC) of the Town of Sterlington.

Clifford L. Bullock  
Mayor

Marilyn Dilmore  
Town Clerk