

CHAPTER 14

LIQUOR AND ALCOHOLIC BEVERAGES

- Sub-Chapter A -- License and Permit Requirements
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Sub-Chapter A

License and Permit Requirements

Part I - License and Permit Requirements for Dealers in Beverages of High Alcoholic Content

SECTION 14:1. LICENSE REQUIREMENTS, DEALERS IN BEVERAGES OF HIGH ALCOHOLIC CONTENT

There is hereby levied a license tax beginning with the year of 1965 and each and every year thereafter upon every business conducting the selling at wholesale and at retail or dealing in malt, vinous, spirituous, alcoholic or intoxicating liquors containing more than six percent (6%) of alcohol by volume, in the Parish of Lafourche, as defined by the laws of the State of Louisiana. Before engaging in such business, every person, association of persons, or corporations shall obtain a license therefor, from the Tax Collector of the Parish of Lafourche, which said license shall expire on the 31st day of December annually and which said license shall bear the name of the president and treasurer of the Police Jury, and the name of the tax collector of the Parish of Lafourche. (Ord. No. 1002, 11/12/64)

SECTION 14:2. LICENSE FEES ESTABLISHED, DEALERS IN BEVERAGES OF HIGH ALCOHOLIC CONTENT

For carrying on and engaging in the business of dealing at wholesale and retail in malt, vinous, spirituous, alcoholic or intoxicating liquors, containing more than six percent (6%) of alcohol by volume, the license fee shall be and is hereby fixed at two hundred dollars (\$200.00). (Ord. No. 1002, 11/12/64; as amended by Ord. No. 1250, 12/13/78)

Comment -- The 1978 amendment raised the permit fee from \$125.00 to \$200.00.

Cross References -- Licenses and miscellaneous business regulations, Ch. 13; motor vehicles and traffic, Ch. 17; taxation, Ch.23.

State Law References -- Liquors, alcoholic beverages, R.S. 26:1 et seq.; permits under The Alcoholic Beverage Control Law, R.S. 26:71 et seq.; local permits and fees, R.S. 26:74 et seq.; regulatory provisions, R.S. 26:141 et seq.; local permits, R.S. 26:274; local taxation and regulation, R.S. 26:491 et seq.; local option, R.S. 26:581 et seq.; power of parish governing authorities to regulate the policing of taverns, houses of public entertainment and shops for retailing liquors, R.S. 33:1236(6); suspension or revocation of permits of retail dealers in alcoholic beverages, R.S. 33:4785 et seq.; wholesale dealers in certain alcoholic beverages exempted from occupational licenses tax, R.S. 47:360(D).

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SECTION 14:3. LICENSES FOR BUSINESSES COMMENCING AFTER JULY 1ST OF ANY CALENDAR YEAR

Any person, firm, association of persons or corporation desiring to engage in the liquor business provided for by this Part who shall commence business operations on or after the 1st day of July of any year, shall be liable for only one-half of the license fee provided for herein, and the same shall be issued to them upon their compliance with all of the provisions of this Part and such persons, corporations, etc., shall become delinquent ten (10) days after the beginning of the business operations. (Ord. No. 1002, 11/12/64)

SECTION 14:4. LIQUOR LICENSES, COLLECTION PROCEDURES; DATE DUE; DATE DELINQUENT

A. The license fee shall be due and collected during the first two (2) months of each year, and all unpaid licenses shall become delinquent on the 1st day of March each year, and all firms, persons, association of persons and corporations who do business without a license after that date shall become delinquent.

B. On the 2nd day of January each year, the tax collector of the Parish of Lafourche, shall begin the collection, and shall collect, as rapidly as possible, from each of the persons, firms, associations of persons, or corporations within the Parish of Lafourche dealing in the business of liquor traffic, as herein set out the license tax as herein fixed.

C. All licenses imposed by this Part shall become delinquent, as herein provided for, and the same shall be due and collectible as herein set out, in the same manner as provided for in the existing state laws and enactments of this Police Jury for licenses of other businesses; and the duty and compensation of the tax collector and his attorney shall be the same in regard to the collection of license fees imposed by this Part and as are described by existing laws and enactments relative to licenses for other businesses.

(Ord. No. 1002, 11/12/64)

SECTION 14:5. TRANSFER OF LIQUOR LICENSES; CHANGE IN LOCATION

A. Licenses issued under the provisions of this Part shall not be transferable, except in cases where the original licensee dies, in which event the license shall be transferred to his heirs or legal representatives, duly recognized by a judgment of a court. If the business changes hands during the period covered by the license, except as hereinabove just provided, a new license shall be secured and paid for.

B. Should the location of the place of business be changed during the period of which the license is issued hereunder, the said license shall be presented to the tax collector of the Parish of Lafourche who shall note thereon the proper change of business location.

(Ord. No. 1002, 11/12/64)

SECTION 14:6. LOCATION OF RETAIL LIQUOR BUSINESSES NEAR CHURCHES AND SCHOOLS LIMITED

A. No retail permit shall be issued to any business or premises located or situated within three hundred feet (300') or less distance of a building, occupied exclusively as a church or synagogue, public library, public playground, or school, except a school for business education conducted as a business college or school. This provision shall not apply to:

1. Premises maintained as a bona fide hotel, motel, or fraternal organization;
2. Premises already holding a permit prior to the purchase or acquisition of property or facilities designated for construction, erection, development, or use as a public playground, library, school, church, or synagogue.

(Ord. No. 1002, 11/12/64; as amended by Ord. No. 1203, 8/10/77.)

Comment -- Originally, Ordinance No. 1002 prohibited liquor establishments within 500 feet of any church or school. Ordinance No. 1203 revised that to 300 feet and also provided for exceptions as set forth above.

SECTIONS 14:7 - 14:19. RESERVED.

SECTION 14:20. DEALERS IN BEVERAGES OF HIGH ALCOHOLIC CONTENT, PERMITS REQUIRED

No license provided for in this Part shall be issued unless a permit to engage in the business for which the license shall be applied for is approved by the Police Jury of the Parish of Lafourche. (Ord. No. 1002, 11/12/64)

SECTION 14:21. NOTICE OF APPLICATION FOR RETAIL DEALER'S PERMIT

A. Prior to making application for a retail dealer's permit, each applicant shall twice insert an appropriate signed notice similar to the following in a newspaper published in the municipality in which he desires to operate his business or in the newspaper published nearest to his place of business, if it is not located in a municipality in which a newspaper is published: "I am applying for a permit to sell alcoholic beverages at retail at the following address: _____ in the Parish of _____.

B. The publication of this notice is not required of permittees seeking the renewal of their permits.

C. In addition to publishing the notice required by Subsection A and B of this Section, each new applicant shall pay a Notice of Intent Fee in the amount of fifty dollars (\$50.00) to the Office of Alcoholic Beverage Control. The office will furnish a "Notice of Intent" poster to each person who pays a Notice of Intent Fee.

D. The Notice of Intent poster shall display, at a minimum, the following information: "NOTICE -- I am applying to the Office of Alcoholic Beverage Control of the State of Louisiana for a permit to sell beverages of alcoholic content at retail at this location. Interested persons should contact the Office of Alcoholic Beverage Control." The Notice of Intent poster shall also display the current address and telephone number of the Office of Alcoholic Beverage Control.

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E. Each Notice of Intent poster shall be posted conspicuously outside the premises for which application is to be made for no less than fifteen (15) consecutive days prior to the filing of an application for a retailer's permit for the premises. Such display of a Notice of Intent poster furnished by the Office of Alcoholic Beverage Control shall serve as official public notice. (LRS 26:77)

Comment -- As indicated in the source note, the above provision and those following (14:22 through 14:27) were not derived from a local ordinance but from the Louisiana Revised Statutes. Because the provisions are self-operative and serve to complete the subject matter herein presented, they were included in this codification for the convenience of the user.

SECTION 14:22. CONTENT OF APPLICATION FOR PERMITS

A. Applications for state and local permits to engage in any business or operation regulated by this Chapter shall be in writing and sworn to, and shall contain the full name of the applicant, his correct home address, and an accurate description and correct street address of the premises wherein the business or operation is to be conducted, which address shall be considered the proper address for all notices to the applicant or permittee required by this Chapter and shall be accompanied by an affidavit of the applicant showing that he meets qualifications and conditions set out in R.S. 26:80. (Section 14:23, this Code)

B. Unless he is seeking a renewal of his permit, an applicant for a retail dealer's permit shall attach to his application, as a part thereof, a sworn affidavit stating that he has complied with the provisions of R.S. 26:77. [Section 14:21, this Code] (LRS 26:78)

SECTION 14:23. QUALIFICATIONS OF APPLICANTS FOR PERMITS

A. Applicants for state and local permits of all kinds shall meet the following qualifications and conditions:

1. Be a person of good character and reputation and over eighteen (18) years of age.
2. Be a citizen of the United States and of the State of Louisiana and a resident of the State of Louisiana continuously for a period of not less than two (2) years next preceding the date of the filing of the application. However, the requirements as to Louisiana citizenship do not apply to wholesalers or retailers who held permits on or prior to January 1, 1946.
3. Be the owner of the premises or has a bona fide written lease therefor.
4. Have not been convicted of a felony under the laws of the United States, the State of Louisiana, or any other state or country.
5. Have 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, or illegally dealing in controlled dangerous substances.
6. Have not had a license or permit to sell or deal in alcoholic beverages, issued by the United States, any state, or by an political subdivision of a state authorized to issue permits or licenses, revoked within one (1) year prior to the application, or been convicted or had a judgment of court rendered against him involving alcoholic beverages by this or any other state or by the United States for one (1) year prior to the application.

7. Have not been adjudged by the Commissioner or convicted by a court of violating any of the provisions of this Chapter.

8. Have not been convicted of violating any municipal or parish ordinances adopted pursuant to the provisions of this Chapter. If the applicant has been so convicted, the granting of a permit or of a renewal shall be within the discretion of the Commissioner.

9. Not be the spouse of a person whose application has been denied or whose permit has been revoked, unless judicially separated or divorced; provided that in such cases the age of the ineligible spouse shall be immaterial.

B. 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 of all partners and persons financially interested and furnish their proper street addresses and each shall furnish his affidavit showing his qualifications, as required of an applicant.

C. If the applicant is a corporation, all officers and directors and all stockholders owning in the aggregate more than five percent (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. The requirements as to citizenship and residence do not apply to officers, directors and stockholders of corporations applying for retail permits only. The corporation shall be either organized under the laws of the State of Louisiana or qualified to do business within the State of Louisiana.

D. If the applicant's business is to be conducted wholly or partly by one (1) 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.

E. If the applicant, or any other person required to have the same qualifications, does not possess the required qualifications, the permit may be denied.

F. Notwithstanding the provisions of Subsection A and B, a permit may be granted by the commissioner if the applicant has been pardoned or the applicant's civil rights have been restored, or, if the applicant is a firm, association, partnership, trust, domestic or foreign corporation, or other legal entity, the applicant has determined its relationship with the person or persons whose action directly contributed to the applicant's conviction. (LRS 26:80)

Comment -- For qualifications of applicants for beer permits, see Section 14:57, this Code.

SECTION 14:24. AUTHORITY OF POLICE JURY TO WITHHOLD PERMITS

The commissioner with respect to state permits and municipal authorities and parish governing authorities with respect to local permits may withhold the issuance of permits in the manner and under the terms and conditions specified in this chapter. (LRS 26:86)

Comment -- For authority of police juries to suspend or revoke permits, see Section 14:100, this Code.

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SECTION 14:25. PROCEDURE FOR DETERMINATION TO ISSUE OR WITHHOLD PERMITS

A. The right to determine what persons shall or shall not be licensed under this Chapter shall be exercised in the following manner:

1. Municipal authorities and parish governing authorities shall, independently of the Commissioner, investigate all applications filed with them for local permits, and shall withhold the issuance of a permit where that action is justified under the provisions of this Chapter. The decision to withhold a local permit shall be made within thirty-five (35) calendar days of the filing of the application. Within that period, the withholding authority shall notify the Commissioner in writing that it is withholding the permit and give the reason therefor. Upon receipt of this notice, supported by reasons enumerated in or authorized by this Chapter, the Commissioner shall withhold issuance of the applicant's state permit. Within five (5) calendar days after the receipt of the notice from the local authorities, the Commissioner shall notify the applicant in writing of the action and shall assign the reasons therefor. Such notice shall be either delivered to the applicant in person or sent to him by registered mail at the business address given in his last application. When so addressed and mailed, it shall be conclusively presumed to have been received by the applicant. (LRS 26:87A)

Comment -- For procedure to be followed in suspending or revoking permits, see Section 14:100, et seq., this Code.

SECTION 14:26. ACTS PROHIBITED ON LICENSED PREMISES; SUSPENSION AND REVOCATION OF PERMITS

A. No person holding a retail dealer's permit, and no agent, associate, employee, representative, or servant of any such person shall do or permit any of the following acts to be done on or about the licensed premises:

1. Sell or serve alcoholic beverages to any person under the age of twenty-one (21) years, unless such person submits a driver's license, selective service card or other lawful identification which, on its face, establishes the age of the person as twenty-one (21) years or older and there is no reason to doubt the authenticity or correctness of the identification. For purposes of this paragraph "lawful identification shall mean only such identification issued by the Department of Public Safety and Corrections. The commission shall promulgate rules providing for the definition of "lawful identification" and the procedures for the issuance of such identification.

2. Sell or serve alcoholic beverages to any intoxicated person.

3. 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. The provisions of this section shall in no way prohibit the presence of any person under the age of eighteen (18) years on 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 the said code, and no alcoholic beverages are sold, handled, given away, or accessible during the presence of any such person.

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 or about the licensed premises of any kind or type of alcoholic beverage, the sale or possession of which is not authorized under his permit.

6. Intentionally conduct illegal gambling, as defined by law, on the premises described in the application for the permit.

7. Employ or permit females, commonly known as B girls, to solicit patrons for drinks and to accept drinks from patrons and receive therefor any commission or remuneration in any other way.

8. Employ anyone under the age of eighteen (18) in any capacity in an establishment where the sale of alcoholic beverages constitutes its main business. If the sale of alcoholic beverages does not constitute the main business of the establishment, anyone under the age of eighteen (18) may be employed as long as the employment does not directly involve the sale of alcoholic beverages for consumption on the premises.

a. 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 years may be permitted to participate in the sale of 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. Fail to keep the premises clean and sanitary.

10. Permit the playing of pool or billiards by any person under eighteen (18) years of age or permit a person to visit or 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 of narcotics or habit forming drugs.

12. Accept food stamp coupons as payment for alcoholic beverages in violation of the provisions of Public Law 88-525 [1] and regulation 1600.2i issued pursuant to that Section of the federal statute by the United States Secretary 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. Play live or recorded music which is so unreasonably intrusive or offensive as interfere with the comfortable enjoyment of the property of a person residing within two hundred feet (200') of the premises. This prohibition shall not apply to any licensed premises which are not located within two hundred feet (200') of a residence or which were not located in an unzoned unincorporated area. 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 Paragraph, in compliance with the provisions of this Paragraph, shall have a reasonable time either to modify the premises to comply with this Paragraph or to cease the playing of music as described herein.

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

B. The following acts or 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 beverages of high alcoholic content 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 service 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 Paragraph (1) of this Subsection.

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, public 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 beverages of high alcoholic content shall be held in 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 by law.

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 inches (18") above the immediate floor level and removed at least three feet (3') 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 above.

G. The following acts or 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 beverages of high alcoholic content shall be held at any premises where such conduct or acts are permitted, including the showing of film, still pictures, electronic reproduction, or any 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 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 above.

H. Violations of this section by a retail dealer's agent, associate, employee, representative, or servant shall be considered the retail dealer's act for the purposes of suspension or revocation of a permit.

I. Violation of this section is punishable as provided in R.S. 26:171 and is also sufficient cause for the suspension or revocation of a permit.

J. Notwithstanding the issuance of a permit by way of renewal, the commissioner 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.

(LRS 26:90)

Comment -- For authority and procedure to be followed in suspending or revoking liquor permits, see Section 14:100 et seq., this Code.

SECTION 14:27. ADDITIONAL CAUSES FOR SUSPENSION OR REVOCATION OF PERMITS

A. In addition to any other causes enumerated in this Part, the Police Jury may suspend or revoke any permit for any one of the following causes:

1. If the applicant or any of the persons who must possess the same qualifications failed to possess the qualifications required in R.S. 26:80 at the time of application or fails to maintain such qualifications during the licensed year.
2. If there was any misstatement or suppression of fact in the application for the permit.
3. If the permit was issued to an interposed person in contravention of R.S. 26:83.
4. If the permit was granted to any person who is or has been engaged in an alcoholic beverage business with a person whose application for a permit has been denied or whose permit has been revoked.
5. If the holder of any permit has been convicted by any court of competent jurisdiction of any one of the following offenses:
 - a. Violation of the Sunday Closing Law;
 - b. Violation of any municipal or parish ordinance providing for Sunday closing hours;

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c. Violation of any municipal or parish ordinance enacted pursuant to the authorization of this Chapter.

6. If, without a 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.

7. If any dealer or any person listed in Subsection B of R.S. 26:80 violates or has violated any provision of this Chapter.

8. If any dealer fails to pay any excise taxes due by any regulated business to the state or to any parish or municipality.

9. If the holder of any retail dealers' permit, or his agent, employee, or representative allows the placement or operation of a video draw poker device upon his licensed premises in violation of Part V-B of Chapter 14 of Title 33 of the Louisiana Revised Statutes of 1950.

(LRS 26:91)

SECTION 14:28. EMPLOYMENT OF MINORS, SALES OF LIQUORS TO MINORS PROHIBITED

No minor shall at any time be employed in any of the retail businesses provided for in this Part and no liquors of any kind shall be sold to minors in such establishments where liquors of any alcoholic contents are sold. (Ord. No. 1002, 11/12/64)

SECTIONS 14:29 - 14:48. RESERVED

SECTION 14:49. CRIMINAL PENALTIES

The violation of any of the provisions of this Part is hereby declared to be a misdemeanor and anyone convicted of such violation by a court of competent jurisdiction, shall be fined not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00), or be imprisoned in the parish jail for not less than ten (10) days, nor more than thirty (30) days, or both at the discretion of the court. (Ord. No. 1002, 11/12/64)

Part II -- License and Permit Requirements For Dealers in Beverages of Low Alcoholic Content

SECTION 14:50. PERMIT REQUIREMENTS, DEALERS IN BEVERAGES OF LOW ALCOHOLIC CONTENT (BEER), ON PREMISES CONSUMPTION

Before engaging in the business as herein defined, at retail, in beer, porter, ale, fruit juices or wine, of an alcoholic content in excess of one-half of one per centum by volume and not more than six per centum by volume, all "Class A", retailers in the Parish of Lafourche, Louisiana, as defined and described in La. R.S. 26:271, are required to, and shall obtain from the sheriff and ex

officio tax collector of the Parish of Lafourche before commencing business, a permit beginning with the year of 1965 and each and every year thereafter to conduct such retail business, and shall pay for such permit the sum of fifty dollars (\$50.00); providing, however, if he shall commence said business after July 1, he shall pay one-half of the annual license fee of fifty dollars (\$50.00) or twenty-five dollars (\$25.00). Such permit shall authorize the holder thereof to purchase beer, porter, ale, fruit juices, or wine, only from licensed manufacturers or wholesalers within the State and to sell the same at retail for consumption on or off the licensed premises. (Ord. No. 1001, 11/12/64; as amended by Ord. No. 1250, 12/11/78)

Comment -- The 1978 amendment increased the permit fee from \$35.00 to \$50.00. The half year permit was also raised from \$17.50 to \$25.00.

SECTION 14:51. PERMIT REQUIREMENTS, OFF PREMISES CONSUMPTION

Before engaging in the business of dealing, as herein defined, at retail in beer, porter, ale, fruit juices, or wine, of an alcoholic content in excess of one-half of one per centum by volume and not more than six per centum by volume, all "Class B" retailers in the Parish of Lafourche, Louisiana, as defined and described in La. R.S. 26:271, are required to, and shall obtain from the sheriff and ex officio tax collector of the Parish of Lafourche, before commencing business, a permit annually, and shall pay for such a permit the sum of twenty-five dollars (\$25.00); provided, however, that if such business is started after July 1, the dealer shall be required to pay one-half of the twenty-five dollars (\$25.00) or twelve dollars and fifty cents (\$12.50). Such permit shall authorize the holder thereof to purchase beer, porter, ale, fruit juices, or wine, only from licensed manufacturers or wholesalers within the state and to sell the same at retail in bottles, cans or other sealed containers, and only for consumption off the licensed premises. (Ord. No. 1001, 11/12/64)

SECTION 14:52. ISSUANCE OF PERMITS, GENERAL LIMITATIONS

A "Class A" retailer's permit shall not be issued to the holder of a "Class B" retailer's permit, and such "Class B" retailer's permit may be issued only to the proprietor or owner of a grocery store or drug store, or to the holder of a package house permit. (Ord. No. 1001, 11/12/64)

SECTION 14:53. ISSUANCE OF PERMITS NEAR CHURCHES AND SCHOOLS LIMITED

No retail permit shall be issued to any business or premises located or situated within three hundred feet (300') or less distance of a building occupied exclusively as a church or synagogue, public library, public playground, or school, except a school for business education conducted as a business college or school. This provision shall not apply to: (1) Premises maintained as a bona fide hotel, motel, or fraternal organization; (2) Premises already holding a permit prior to the purchase or acquisition of property or facilities designated for construction, erection, development, or use as a public playground, library, school, church, or synagogue. (Ord. No. 1001, 11/12/64; as amended by Ord. No. 1203, 8/10/77)

Comment -- Originally, Ord. No. 1002 prohibited liquor establishments within 500 feet of any church or school. Ord. No. 1203 revised that to 300 feet and also provided for exceptions as set forth above.

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SECTION 14:54. APPLICATIONS FOR RETAIL DEALER'S PERMITS

Applications for permits hereunder shall be made to the Secretary of the Lafourche Parish Police Jury in the manner similar to that in which applications are made for similar state permits. No permit shall be issued to any person, firm or corporation not qualified to hold a similar permit. (Ord. No. 1001, 11/12/64)

SECTION 14:55. NOTICE OF APPLICATION FOR RETAIL DEALER'S PERMIT

A. Prior to making application for a retail dealer's permit, each applicant shall twice insert the following signed notice in a newspaper published in the municipality in which he desires to operate his business or in the newspaper published nearest his place of business, if it is not located in a municipality in which a newspaper is published.

"Notice--I am applying to the Collector of Revenue of the State of Louisiana for a permit to sell beverages of low alcoholic content at retail at the following address_____in the Parish of_____."

B. The publication of this notice is not required of permittees seeking the renewal of their permits.

C. In addition to publishing the notice required by Subsections A and B of this section, each new applicant shall pay a notice of intent fee in the amount of fifty dollars (\$50.00) to the Office of Alcoholic Beverage Control. The office will furnish a "Notice of Intent" poster to each person who pays a notice of intent fee.

D. The Notice of Intent poster shall display, at a minimum, the following information: "Notice -- I am applying to the Office of Alcoholic Beverage Control of the State of Louisiana for a permit to sell beverages of low alcoholic content at retail at this location. Interested persons should contact the Office of Alcoholic Beverage Control." The notice of intent shall also display the current address and telephone number of the Office of Alcoholic Beverage Control.

E. Each Notice of Intent poster shall be posted conspicuously outside the premises for which application is to be made for no less than fifteen (15) consecutive days prior to the filing of an application for a retailers' permit for the premises. Such display of a notice of intent poster furnished by the Office of Alcoholic Beverage Control shall serve as official public notice. (LRS 26:277)

Comment -- As indicated by the source note, the above provision and several of the provisions that follow were not derived from a local ordinance, but from the Revised Statutes. Because the provisions are self-operative and add to the subject matter herein presented, they were included in this codification for the convenience of the user.

SECTION 14:56. CONTENTS OF APPLICATION FOR PERMIT

A. Applications for state and local wholesaler or retailer permits shall be in writing and sworn to and shall contain the full name of the applicant, his correct home address, and an accurate description and correct address of the premises wherein the business or operation is to be conducted, which address shall be considered the proper address for all notices to the applicant or permittee required by this Chapter, and shall be accompanied by an affidavit of the applicant

showing that he meets the qualifications and conditions set out in R.S. 26:280 [see Section 14:57, this Code] and that he has no interest in a retail dealer establishment in the case of applicants for wholesaler permits, and that he has no interest in a wholesaler dealer establishment in the case of applicants for retail dealer permits unless such interest was held prior to July 31, 1946.

B. Unless he is seeking a renewal of his permit, the applicant for a retail dealer's permit shall attach to his application, as a part thereof, a sworn affidavit that he has complied with the provisions of R.S. 26:277. [See Section 14:55, this Code].

C. In order to comply with the intent of public notice with reference to malt beverage permit matters, and the proper payment of taxes, all applications, affidavits, documents relative to importation of malt beverages, and other data relative to retail or wholesale permits, and information pertinent to R.S. 26:741, shall be made available by the secretary or the commissioner, as the authority may lie, to any citizen of the State of Louisiana, municipal authorities and parish governing authorities, and any trade organization consisting of brewers and distributors of beverages of low alcoholic content.

(LRS 26:278)

SECTION 14:57. QUALIFICATIONS OF APPLICANT FOR PERMIT

A. Applicants for state and local permits of all kinds shall meet the following qualifications and conditions:

1. Be a person of good character and reputation and over eighteen (18) years of age.
2. Be a citizen of the United States and of the state of Louisiana and a resident of the State of Louisiana continuously for a period of not less than two (2) years next preceding the date of the filing of the application. However, the requirements as to Louisiana citizenship do not apply to wholesale or retail dealers who have continuously held permits since July 26, 1944.
3. Be the owner of the premises or has a bona fide written lease therefor. In cases where the applicant holds a bona fide written lease, the name and current address of the lessor shall be shown on the application form filed with the Commissioner.
4. Have not been convicted of a felony under the laws of the United States, the State of Louisiana, or any other state or country.
5. Have not been convicted in this or in any other state or by the United States 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 controlled dangerous substances.
6. Have not had a license or permit to sell or deal in alcoholic beverages, issued by the United States or any other state, revoked, for five (5) years prior to the application, or been convicted or had judgment against him involving alcoholic beverages by this or any other state or by the United States for five (5) years prior to the application.
7. Have not been convicted of violating any of the provisions of this Chapter.

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8. Have not been convicted of violating any municipal or parish ordinance relating to beverages of low alcoholic content adopted pursuant to the provisions of R.S. 26:493. In such a case, the granting or denial of a permit is within the discretion of the local licensing authorities.

9. Not be the spouse of a person who does not meet the requirements of Paragraphs (1) and (3) through (8) of this Subsection A; provided that in such cases the age of the ineligible spouse shall be immaterial.

B. If the applicant is a partnership or anyone in partnership with or financed by another, all members of the partnership or all the persons furnishing the money shall also possess the qualifications required of the applicant. The application shall name all partners or financial backers and furnish their proper addresses.

C. If the applicant is a corporation, all officers and directors and all stockholders owning in the aggregate more than five percent (5%) of the stock and the person or persons who shall conduct or manage the business shall possess the qualifications required of an applicant. However, the requirements as to citizenship and residence do not apply to officers, directors, and stockholders of corporations. The corporation shall be either organized under the laws of the State of Louisiana or qualified to do business within the state of Louisiana.

D. If the applicant's business is to be conducted wholly or partly by one (1) or more managers, agents, servants, employees, or other representatives, that person shall also possess the qualifications required of the applicant.

E. If the applicant, or any other person required to have the same qualifications, does not possess the required qualifications, the permit may be denied, suspended or revoked.

F. Notwithstanding the provisions of Subsection A and B, a permit may be granted by the commissioner, if the applicant has been pardoned or the applicant's civil rights have been restored, or, if the applicant is a firm, association, partnership, trust, domestic or foreign corporation, or other legal entity, the applicant has terminated its relationship with the person or persons whose actions directly contributed to the applicant's conviction.

(LRS 26:280)

SECTION 14:58. AUTHORITY OF POLICE JURY TO WITHHOLD PERMITS

The commissioner with respect to state permits and municipal authorities or parish governing authorities with respect to local permits may withhold the issuance of permits in the manner and under the terms and conditions specified in this Part. (LRS 26:282)

Comment -- Section 6 of Ordinance No. 1001, the Jury's primary beer permit ordinance provided: "The issuance of permits may be withheld or denied, and permits which have been issued hereunder may be suspended or revoked in the manner provided by state laws." Rather than merely codify that section, the actual state law provisions governing the procedures were included herein for the convenience of the user.

SECTION 14:59. PROCEDURE FOR DETERMINATION TO ISSUE

A. The right to determine what person shall or shall not be licensed under this Chapter shall be exercised in the following manner:

1. Municipal authorities and parish governing authorities, within their respective jurisdictions, shall investigate all applications filed with them for local permits and shall withhold the issuance of a permit where that action is justified under the provisions of this Chapter. This action may be taken without a prior hearing. The decision to withhold a local permit shall be made within thirty-five (35) calendar days of the filing of an application. Within that period, the withholding authority shall notify the commissioner in writing that it is withholding the permit and shall give the reasons therefor. Upon receipt of this notice, supported by reasons enumerated in or authorized by this Chapter, the commissioner shall withhold the issuance of the applicant's state permit. Within five (5) calendar days after the receipt of this notice from the local authorities, the commissioner shall notify the applicant in writing of the withholding of the permits and shall assign reasons therefor. Such notice shall be either delivered to the applicant in person or sent to him by registered mail at the address given in his last application for a state permit. When so addressed and mailed, it shall be conclusively presumed to have been received by the applicant.

B. The commissioner shall investigate all applications for state permits and shall withhold the issuance of a permit where that action is justified under the provisions of this Chapter. This action may be taken without a prior hearing except as provided in R.S. 26:80(F) and R.S. 26:280(F). The decision to withhold a state permit shall be made within thirty-five (35) calendar days of the filing of an application. Within that period of time, the commissioner shall notify in writing the municipal authorities or parish governing authority, as the case may be, where the applicant has or was to have his place of business and shall specify the reasons for withholding the issuance of the state permit. Upon receipt of this notice, the municipal authorities or the parish governing authority shall withhold the issuance of the local permit. Within five (5) calendar days of mailing the notice of withholding to the local authorities, the commissioner shall notify the applicant in writing of the withholding of the permit and shall assign reasons therefor. Such notice shall be either delivered to the applicant in person or sent to him by registered mail at the address given in his last application for a state permit. When so addressed and mailed, it shall be conclusively presumed to have been received by the applicant.

C. Any citizen who has, for at least six (6) months prior thereto, resided in the parish wherein the proposed place of business of an applicant for a permit is situated, or any public official or state or local law enforcement officer may oppose the issuance of permits by filing with the proper local authorities or with the collector a sworn petition of opposition. If this petition is filed, the local authorities, within thirty-five (35) calendar days of the filing of the application for a local permit, shall withhold the issuance of the local permit and immediately notify the collector of the action, enclosing the petition of opposition and any supporting documents. Upon receipt of this notice, the commissioner shall withhold the issuance of the state permit. If the petition is filed with the commissioner, he shall withhold the issuance of the state permit and immediately notify the proper local authority. The local authority thus notified shall withhold issuance of the local permit. The commissioner shall hold a hearing on the petition and determine the issue in the manner provided by this Part.

D. Any trade organization consisting of brewers and distributors of beverages of low alcoholic content, through its authorized representative, may oppose the issuance of permits by filing with the proper local authorities or with the commissioner a sworn petition of opposition. If this petition is filed the local authorities, within thirty-five (35) calendar days of the filing of the application for a local permit, shall withhold the issuance of the local permit and immediately

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notify the commissioner of the action, enclosing the petition of opposition and any supporting documents. Upon receipt of this notice, the commissioner shall withhold the issuance of the state permit. If the petition is filed with the commissioner, he shall withhold the issuance of the state permit and immediately notify the proper local authority. The local authority thus notified shall withhold issuance of the local permit. The commissioner shall hold a hearing on the petition and determine the issue in the manner provided in this Part.

E. No petition of opposition shall be acted upon by the commissioner or the local authorities, unless it is sworn to by the petitioner in an affidavit which also affirms that the petitioner together with witnesses, if any, will appear at the hearing to establish the allegations of the petition and unless the petitioner sets forth facts constituting a cause or causes enumerated in or authorized by this Part for the withholding of a permit.

(LRS 26:284)

SECTION 14:60. APPROVAL/DISAPPROVAL OF APPLICATIONS

A. The Lafourche Parish Sheriff's Office shall be responsible for receipt and verification that all requirements are met for all beer and liquor applications received for new businesses. The Sheriff and Ex-Officio Tax Collector of the Parish of Lafourche, shall furnish to the Lafourche Parish President's Office, a list of all new applicants. The President will then notify the Council Member from the District that the application is being sent from for his/her input prior to the President granting authority to the Sheriff's Office for the issuance of the license. The Parish President shall then grant the approval/disapproval of all beer and liquor applications for new businesses prior to the Sheriff's Office issuing the license.

B. The Lafourche Parish Sheriff's Office shall be responsible for receipt and verification of all beer and liquor applications for renewal, and the issuance of licenses once applicants have met all requirements.

(Ord. No. 1001, 11/12/64; as amended by Ord. No. 2035, 6/10/92; Ord. No. 2097, 2/10/93; Ord. No. 2137, 7/14/93; Ord. No. 2242, 8/10/94; and Ord. No. 2478, 2/12/97)

SECTION 14:61. SHERIFF TO COLLECT PERMIT FEES; DISPOSITION OF PROCEEDS

The Sheriff and Ex Officio Tax Collector of the Parish of Lafourche is hereby authorized and empowered to collect all permit fees provided for this Part, and to turn over the proceeds, after making legal deductions for commission, to the Finance Department of the Parish of Lafourche. (Ord. No. 1001, 11/12/64; as amended by Ord. No. 2035, 6/10/92)

SECTION 14:62. PERSONAL NATURE OF PERMITS; CHANGE IN BUSINESS LOCATION; DISPLAY

A. A permit issued in accordance with the provisions of this Part shall be purely a personal privilege and good from the time of issuance until December 31 of that year unless sooner suspended or revoked in accordance with law. Permits shall not be transferable and shall become void on the death of the licensee.

B. If the business changes hands during the period the permit runs, a new permit must be applied for. Should the location of the place of business be changed during the period the permit runs, the permit must be sent to the Secretary of the Lafourche Parish Police Jury 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. (Ord. No. 1001, 11/12/64)

SECTION 14:63. ACTS PROHIBITED ON LICENSED PREMISES; SUSPENSION AND 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. Sell or serve beverages of low alcoholic content to any person under the age of twenty-one (21) years, unless such person submits a driver's license, selective service card or other lawful identification which, on its face, establishes the age of the person as twenty-one (21) years or older and there is no reason to doubt the authenticity or correctness of the identification. For the purposes of this Paragraph "lawful identification" shall mean only such identification issued by the Department of Safety and Corrections. The commissioner shall promulgate rules providing for the definition of "lawful identification" and the procedures for the issuance of such identification.

2. Sell or serve beverages of low alcoholic content to any intoxicated person.

3. Intentionally entice, aid, or permit any person under the age of twenty-one (21) years to visit or loiter in or about any place where alcoholic beverages 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 twenty-one (21) years on 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 the said code, and no alcoholic beverages are sold, handled, given away, or accessible during the presence of any such person.

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 or type of alcoholic beverages, the sale or possession of which is not authorized under his permit.

6. Intentionally conduct illegal gambling, as defined by law, on the premises described in the application for the permit.

7. Employ or permit females, commonly known as B girls, to solicit patrons for drinks and to accept drinks from patrons and receive therefor any commission or remuneration in any other way.

8. Employ anyone under the age of eighteen (18) in any capacity in an establishment where the sale of alcoholic beverages constitutes its main business. If the sale of alcoholic beverages does not constitute the main business of the establishment, anyone under the age of eighteen (18) may be employed as long as the employment does not directly involve the sale of alcoholic beverages for consumption on the premises.

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a. 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 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 beverages of law alcoholic content in any type of automatic mechanical vending machine activated by the use of a coin, token, or similar instrument. The provisions of this paragraph 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 a person to visit or 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 of narcotics or habit forming drugs.

12. Accept food stamp coupons as payment for alcoholic beverages in violation of the provisions of Public Law 88-525 [1] and regulation 1600.2i issued pursuant to that Section of the federal statute by the United States secretary 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. Play live or recorded music which is so unreasonably intrusive or offense as interfere with the comfortable enjoyment of the property of a person residing within two hundred feet (200') of the premises. This prohibition shall not apply to any licensed premises which are not located within two hundred feet (200') of a residence or which were not located in an unzoned unincorporated area. This prohibition shall not apply to any premises which provide an entry area with two 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 Paragraph, in compliance with the provisions of this Paragraph, shall have a reasonable time either to modify the premises to comply with this Paragraph or to cease the playing of music as described herein.

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

B. The following acts or conduct on licensed premises are deemed to constitute lewd, immoral, or improper entertainment as prohibited by this section and therefore no on-premise permit for beverages of high alcoholic content 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 service 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 Paragraph (1) of this Subsection.

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, public 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 beverages of high alcoholic content shall be held in 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 by law.

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 Subparagraph B(1) of this section, entertainers whose breasts or buttocks are exposed to view shall perform only upon a stage at least eighteen inches (18") above the immediate floor level and removed at least three feet (3') 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 above.

G. The following acts or 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 beverages of high alcoholic content shall be held at any premises where such conduct or acts are permitted, including the showing of film, still pictures, electronic reproduction, or any 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 anus or the genitals.

4. Scenes herein artificial devices or inanimate objects are employed to depict, or drawings are employed to portray, any of the prohibited activities described above.

H. Violations of this section by a retail dealer's agent, associate, employee, representative, or servant shall be considered the retail dealer's act for the purposes of suspension or revocation of a permit.

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I. Violation of this section is punishable as provided in R.S. 26:171 and is also sufficient cause for the suspension or revocation of a permit.

J. Notwithstanding the issuance of a permit by way of renewal, the commissioner 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.

(LRS 26:286)

Comment -- Section 7 of Ordinance No. 1001 provided: "No holder of a retailer's permit issued under the provisions of this ordinance, or any servant, agent or employee of the permittee shall do any act or thing upon the licensed premises which is prohibited by state laws." Rather than merely codify that section, the actual state law provisions were included herein for the convenience of the user. For provisions governing the suspension and revocation of alcoholic beverage permits, see Section 14:100 et seq., this Code.

SECTION 14:64. ADDITIONAL CAUSES FOR SUSPENSION AND REVOCATION OF PERMITS

A. In addition to any other causes enumerated in this Part, the Police Jury may suspend or revoke any permit for any of the following causes:

1. If there was any misstatement or suppression of fact in the application for the permit.
2. If the tap marker misrepresents the brand of low alcoholic beverage being drawn from the container as filled by the manufacturer.
3. If the permit was granted to any person who is or has been engaged in the business of dealing in beverages of low alcoholic content 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, employee or interposed person.
4. If the permittee has been found guilty by the mayor, municipal or city court, justice of the peace court, or district court, as the case may be, of any of the following offenses:
 - a. Violation of the 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 relating to beverages of low alcoholic content enacted pursuant to R.S. 26:493, if the ordinance provides for revocation of the permit for its violation.
5. If any retail dealer fails to pay any excise taxes due by any regulated business to the state or to any parish or municipality.
6. 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 R.S. 26:241(16).
7. If a wholesale dealer fails to comply with R.S. 26:359.

8. If a wholesale dealer sells to a person, firm, or corporation 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.

9. If the applicant or any of the persons who must possess the same qualifications failed to possess the qualifications required in R.S. 26:280 at the time of application or fails to maintain such qualifications during the licensed year.

10. 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 person to the exclusion in whole or in part of competing brands of malt beverages of malt liquors sold or offered for sale by other persons; or

b. Induces, through any of the following means, any retail dealer engaged in the same 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:

i. 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;

ii. By acquiring any interest in real or personal property owned, occupied, or used by the retail dealer in the conduct of his business;

iii. 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 purposes of this Subsection;

iv. By paying or crediting the retail dealers for any advertising, display, or distribution service;

v. By guaranteeing any loan or the repayment of any financial obligation of the retail dealer;

vi. By extending to the retail dealer credit; or

vii. 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 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 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:

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- i. By acquiring or holding, after the expiration of any existing license, any interest in any license with respect to the operation of the wholesale dealer; or
 - ii. 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 commissioner may promulgate such rules and regulations as he deems necessary to carry out the provisions contained in Subparagraphs (a) through (f) of this Paragraph, 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:
 - i. To acquire or hold, after the expiration of any existing license, any interest in any license with respect to the premise of the retail dealer;
 - ii. To acquire any interest in real or personal property owned, occupied, or used by the retail dealer in the conduct of his business.
 - iii. 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 Paragraph;
 - iv. To pay or credit the retail dealer for any advertising, display, or distribution service;
 - v. To guarantee any loan or the repayment of any financial obligation of the retail dealer;

- vi. To extend to the retail dealer credit; or
 - vii. To require retail dealers 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 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 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:
- i. By acquiring or holding, after the expiration of any existing license, any interest in any license with respect to the operation of the wholesale dealer;
 - ii. 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 commissioner may promulgate such rules and regulations as he deems necessary to carry out the provisions contained in Subparagraphs (a) through (f) of this Paragraph, 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 Part V-B of Chapter 14 of Title 33 of the Louisiana Revised Statutes of 1950.

(LRS 26:287)

SECTION 14:65. VIOLATIONS OF REGULATIONS, CRIMINAL PENALTIES

A. It shall be considered a violation of this Part for any person, firm or corporation not having a permit, or whose application has been withheld or denied as herein provided or whose permit has been suspended or revoked, to engage in the sale, use, consumption, production, manufacture, handling or distribution of beer, porter, ale, fruit juices, or wine, of the alcoholic content specified in this Part.

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B. Any person, firm, partnership or corporation who shall violate any of the provisions of this Part shall be guilty of a misdemeanor, and upon conviction shall be fined and imprisoned at the discretion of the court.

(Ord. No. 1001, 11/12/64)

Comment -- See Section 1:21, this Code for provisions governing penalties for general Code violations.

SECTION 14:66. CERTAIN SALES PROHIBITED; CLOSING HOURS; PENALTIES

A. It shall be unlawful for the holder of any permit issued under the provisions of this Chapter to sell, serve or donate alcoholic beverage drinks of either high or low alcoholic count between the hours of 2:00 a.m. and 5:00 a.m. of every day of the week.

B. It shall be unlawful for the holder of any permit under the provisions of this Chapter to sell, serve or donate alcoholic beverages of either high or low alcoholic content to persons under the age of 18 years, to persons known to be drunkards, or to persons visibly intoxicated.

C. It shall be unlawful for the holder of any permit issued under the provisions of this Chapter or his agents or employees to allow any customers to whom any alcoholic beverage drinks of either high or low alcoholic content delivered to said customer before 2:00 a.m. to remain anywhere on the premises after the hour of 2:30 a.m.

D. Any person who violates the provisions of this section shall be guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars (\$500.00) or imprisonment for not more than thirty (30) days in jail or by both such imprisonment and fine, at the discretion of the court.

(Ord. No. 1758, 3/23/87; as amended by Ord. No. 1966, 2/23/91)

SECTIONS 14:67 - 14:99. RESERVED

Sub-Chapter B**Revocation and Suspension of Retail Intoxicating Beverage Permits****SECTION 14:100. RETAIL DEALERS IN INTOXICATING BEVERAGES,
SUSPENDING OR REVOKING ALCOHOLIC BEVERAGE
PERMITS**

A. Any municipality may suspend or revoke within the corporate limits and any police jury or other governing authority of a parish may suspend or revoke within the limits of the parish, permits issued to retail dealers in beverages having an alcoholic content of more than six percent (6%) by volume for causes set forth in R.S. 26:88, 26:89 [1]; and may suspend or revoke permits issued to such retail dealers in beverages having an alcoholic content of not more than six percent (6%) by volume for causes set forth in R.S. 26:285, 26:286 [2]. (LRS 33:4785)

Comment -- As indicated by the source note, the provisions of the above section, and the other sections in this Sub-Chapter were derived from the Louisiana Revised Statutes, and not from local ordinances. They were included in this Code because they are self-operative, and add to the matters of law herein contained. The provisions of LRS 26:88 and 26:89 cited above as providing the basic causes for suspending or revoking general alcoholic beverage permits are set forth in Sections 14:26 and 14:27 of this Code. The LRS sections have been re-codified as a result of general revision to Title 26, and they now appear as LRS 26:90 and 91. The provisions of LRS 26:285 and 286 are presented in Sections 14:63 and 14:64. As a result of the revisions described above, those LRS sections now appear as LRS 26:286 and 287.

**SECTION 14:101. HEARINGS REQUIRED PRIOR TO SUSPENDING OR REVOKING
ALCOHOLIC BEVERAGE PERMITS**

Before any permit is suspended or revoked, the holder thereof shall be entitled to a hearing as hereinafter provided, and no permit shall be revoked unless such a hearing has been held and a majority of the governing body of the municipality or parish, or a municipal alcoholic beverage control board thereafter votes for such suspension or revocation. (LRS 33:4786)

**SECTION 14:102. NOTICE OF HEARING; PETITION FOR SUSPENSION
OR REVOCATION OF PERMITS**

A notice shall be served upon the holder of the permit stating the time and place of the hearing to be held by the governing body of the municipality or parish, or a municipal alcoholic beverage control board 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 may be served on him in person by an officer or employee of the municipality or parish. Any trade organization consisting of brewers and distributors of beverages of low alcoholic content, through its authorized representative, may file with the governing body of any municipality or parish, or a municipal alcoholic beverage control board a sworn petition requesting that a permit be suspended or revoked and the procedure in such cases shall be the same as herein set out. (LRS 33:4787)

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SECTION 14:103. APPEALS FROM SUSPENSION OR REVOCATION OF PERMITS

The holder of the permit who is aggrieved by a decision of the governing body of the municipality or parish or a municipal alcoholic beverage control board 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 of his place of business and on such appeal the trial shall be de novo. Within ten (10) calendar days from the signing of the judgment by the district court the municipality or parish governing authority, a municipal alcoholic beverage control board or the holder of the permit, as the case may be, may devolutively appeal from the judgment of the district court to the court of appeals as in ordinary civil cases. (LRS 33:4788)

SECTIONS 14:104 - 14:124. RESERVED

Sub-Chapter C

Dispensing of Alcoholic Beverages

SECTION 14:125. PERMITS REQUIRED FOR PERSONS TO DISPENSE ALCOHOLIC BEVERAGES

No person shall dispense alcoholic beverages of a low or high alcoholic content in any business licensed by the Lafourche Parish Police Jury for on premises consumption, without having been certified or qualified to do so by the Sheriff of Lafourche Parish (hereinafter referred to as "Sheriff") and without after having complied with the provisions of this Sub-Chapter. (Ord. No. 1107-A, 2/14/73)

SECTION 14:126. APPLICANTS FOR PERMITS TO DISPENSE ALCOHOLIC BEVERAGES TO BE PHOTOGRAPHED AND FINGERPRINTED

Each applicant having a certificate of qualification to dispense alcoholic beverages in a place licensed for on the premises consumption shall be photographed and fingerprinted by the Sheriff's Office of Lafourche Parish. (Ord. No. 1107-A, 2/14/73)

SECTION 14:127. PERMIT FEES

Each applicant shall pay to the Sheriff at the time of receiving his certificate of qualification a fee of five dollars (\$5.00) to cover the cost of issuing such certificate. (Ord. No. 1107-A, 2/14/73)

SECTION 14:128. QUALIFICATIONS REQUIRED OF PERMIT APPLICANTS

A. Each applicant for a certificate of qualification to dispense alcoholic beverages shall possess the following qualifications:

1. Is a person of good character and reputation and eighteen (18) years of age.
2. Is a citizen of the United States and of the State of Louisiana, and has been a resident of the State of Louisiana for at least six (6) months.
3. Has not been convicted of a felony under the laws of the United States, the State of Louisiana, or any other state or country.
4. 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, or illegally dealing in narcotics.
5. Has not had a license or permit to sell or deal in alcoholic beverages issued by the United States, any state or by any political subdivision of a state authorized to issue permits or licenses, revoked within one (1) year prior to the application, or been convicted by this or any other state, or by the United States, for one (1) year prior to the application.

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6. Has not been adjudged by the Louisiana Board of Alcoholic Beverage Control, or convicted by a court, of violating any of the provisions of Title 26 of the Louisiana Revised Statutes.

7. Has not been convicted of violating any municipal or parish ordinance adopted pursuant to the provisions of La. R.S. 26:494.

8. Has not had a certificate of qualification to dispense alcoholic beverages issued by any other parish, municipality or state, suspended or revoked."

9. Has medical certificate certifying that applicant is free of communicable disease. (Ord. No. 1107-A, 2/14/73)

SECTION 14:129. PERMIT APPLICATIONS, SPECIFICATIONS

A. Every application for a certificate of qualification to dispense alcoholic beverages shall be in writing and sworn to, and shall contain the following information:

1. The full name, sex, date and place of birth, and the marital status of applicant.
2. The correct address of applicant.
3. The name of the place of business of present employment, the name of employer, and the correct address of the place of employment.
4. Name, correct address and the period of employment of last two places of employment.

B. The application shall also include a sworn statement that applicant possesses the qualifications set forth in Section 14:128 of this Sub-Chapter.

(Ord. No. 1107-A, 2/14/73)

SECTION 14:130. AUTHORITY OF SHERIFF TO REFUSE TO ISSUE, SUSPEND OR REVOKE PERMITS

A. The Sheriff may refuse to issue a certificate of qualification to dispense alcoholic beverages to any person who lacks any of the qualifications set forth herein.

B. Any act or failure to act by any person certified to be qualified to dispense alcoholic beverages under the provisions of Section 14:125 which is a violation of this Sub-Chapter shall subject such person to have his certificate to dispense alcoholic beverages suspended or revoked by the Sheriff.

(Ord. No. 1107-A, 2/14/73)

SECTION 14:131. APPEALS FROM DECISIONS OF SHERIFF, PROCEDURE

Any person aggrieved by the decision of the Sheriff to refuse to issue or to suspend or revoke a certificate of qualification may take a devolutive appeal therefrom to the Police Jury within fifteen (15) days of written notification of said decision. The appeal must be taken by submitting a written request therefor to the President of the Police Jury, and the Police Jury shall hear said appeal within thirty (30) days of receipt of said notice of appeal by the President of the Police Jury. The decision of the Sheriff shall be final unless appealed within the time and in the manner set forth above. (Ord. No. 1107-A, 2/14/73)

SECTION 14:132. NEW EMPLOYEES; PERMIT REQUIREMENTS

All persons who intend to dispense alcoholic beverages in this parish in the future shall be required to secure a certificate of qualification within five (5) days of their employment. (Ord. No. 1107-A, 2/14/73)

SECTION 14:133. PERSONS TO CARRY CERTIFICATES OF QUALIFICATION; DISPLAY

All persons possessing a certificate of qualification to dispense alcoholic beverages in a place licensed for on the premises consumption shall have his or her certificate of qualification in his or her immediate possession at all times while employed and engaged in the dispensing of alcoholic beverages, and shall display it upon demand of any officer or agent of the Louisiana Board of Alcoholic Beverage Control or any police officer of the state or parish. (Ord. No. 1107-A, 2/14/73)

SECTION 14:134. RENEWAL OF PERMITS; RENEWAL FEE

Every certificate of qualification must be renewed every two (2) years, and it shall be renewable on or before its expiration by filing an application for renewal of certificate of qualification with the Sheriff and by payment of a fee of five dollars (\$5.00) to cover the cost of issuing a new certificate. (Ord. No. 1107-A, 2/14/73)

SECTION 14:135. EMPLOYMENT OF PERSONS WHO HAVE FAILED OR REFUSED TO OBTAIN PERMITS

No person holding a permit to sell alcoholic beverages for on the premises consumption, and no agent, associate, employee or representative of any such holder of a permit, shall employ or retain anyone who has failed or refused to obtain a certificate of qualification as required by this Sub-Chapter. (Ord. No. 1107-A, 2/14/73)

SECTION 14:136. VIOLATIONS, PENALTIES

Any person convicted of dispensing alcoholic beverages without having a certificate of qualification to do so, any person convicted of dispensing alcoholic beverages without having a certificate of qualification in his immediate possession, or any person holding a permit to sell alcoholic beverages for on the premises consumption, or any agent, associate, employee or representative of any such holder of a permit, convicted of employing anyone who has failed or refused to obtain a certificate of qualification, shall be punished by fine of not more than one hundred dollars (\$100.00), or imprisonment for not more than thirty (30) days, or both at the discretion of the court. (Ord. No. 1107-A, 2/14/73)

§ 14:137

SECTIONS 14:137 - 14:149. RESERVED

Sub-Chapter D

Miscellaneous Regulations

SECTION 14:150. REPEALED

Section 14:150 originally set forth prohibitions against carrying firearms into places dispensing alcoholic beverages as prescribed by Ord. No. 1206, adopted October 27, 1977. The Section was repealed by Ordinance No. 1334 (November 12, 1980) as part of a general revision of this Code. A companion ordinance, No. 1335, provided a new prohibition, similar hereto, which has been codified as Section 15:9 thereof.

SECTIONS 14:151 - 14:159. RESERVED

SECTIONS 14:160. OPEN CONTAINERS

It shall be unlawful for any person to sell, disburse or permit the sale or disbursement of alcoholic beverages 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 means any container not sealed by the distillery of the alcoholic beverage, and "open container" includes, but is not limited to, paper or plastic containers regardless of whether the container has a top affixed thereto. Premises shall mean the entire building in which any establishment required to hold an alcoholic beverage permit is located as well as the area immediately outside the building and all grounds extending to and including the entire parking lot area.

(Ord. Nos. 2965, 6/12/01; 3257, 12/17/03)

[RESERVED]