

The following ordinance was submitted for introduction by Mr. Michael Delatte, in regular session convened on May 13, 2014.

PROPOSED ORDINANCE

The following Ordinance, having been previously introduced and published, was offered for final adoption by Mr. Michael Delatte seconded by Mr. Jerry LaFont:

ORDINANCE NO. 5470

AN ORDINANCE AMENDING AND RE-ENACTING CHAPTER 22 - LAND DEVELOPMENT TO CREATE AND ESTABLISH ARTICLE XV - VIDEO POKER DEVICES OF THE LAFOURCHE PARISH CODE OF ORDINANCES AS IT PERTAINS TO PROHIBITING THE OPERATION OF MORE THAN THREE (3) VIDEO POKER DEVICES WITHIN ONE (1) MILE OF PROTECTED PROPERTIES.

BE IT ORDAINED, by the Lafourche Parish Council convened in regular session on June 10, 2014, that:

WHEREAS, this Ordinance does hereby amend and re-enact Chapter 22 - Land Development to create and establish **Article XV - Video Poker Devices** of the Lafourche Parish Code of Ordinances as it pertains to prohibiting the operation of more than three (3) video poker devices within one (1) mile of protected properties; Parish of Lafourche, State of Louisiana.

*Adding the following to create and establish **Article XV - Video Poker Devices***

SECTION 1. In the construction of this Ordinance, the following words and phrases shall have the following meanings unless the context clearly indicates otherwise:

Division - means the division in the office of state police, Department of Public Safety and Corrections, that provides investigatory, regulatory and enforcement service to the Louisiana Gaming Control Board in the implementation, administration and enforcement of the Louisiana Gaming Control Law, La. Rev. Stat. §§ 27:1 et seq.

Operate, operation and operating - mean the privilege of operating a video draw poker device in accordance with this Ordinance and the provisions of Louisiana Video Draw Poker Devices Control Law, La. Rev. Stat. §§ 27:401-457.

Prohibited property - means any property on the National Register of Historic Places, any public playground, any residential property or any building used primarily as a church, synagogue, public library or school.

Qualified establishment - means the types of establishments that may operate video draw poker devices at their licensed establishments as provided in La. Rev. Stat. § 27:412.

Qualified establishment location - means the physical location described in the video draw poker devices license of a qualified establishment where video draw poker devices may be operated.

Residential property - means any property which is wholly or partly used for or intended to be used for living or sleeping by human occupants and which includes one or more rooms, including a bathroom and complete kitchen facilities. Residential property shall include a mobile home or manufactured housing, provided that it shall have been in its present location for at least sixty (60) days. Residential property shall not include any hotel or motel.

Video draw poker device - means any unit, mechanism or device authorized pursuant to the provisions of the Louisiana "Video Draw Poker Devices Control Law", La. Rev. Stat. §§ 27:401-457, that, upon insertion of cash, is available to play or simulate the play of the game of draw poker or other card games approved by the Division utilizing a video display and microprocessors in which the player may win games or credits that can be redeemed for cash only. The term does not include a device that directly dispenses coins, cash, tokens or anything else of value, except the

ticket voucher required in accordance with the provisions of the Louisiana Video Draw Poker Devices Control Law, La. Rev. Stat. §§ 27:401-457. The term does not include any device authorized to be used in the conducting of charitable gaming. The term does not include video line up games, mechanical reel games or any combination thereof, or any slot machine as defined in La. Rev. Stat. § 27:353 (14).

Video draw poker - means any card game approved by the division that utilizes one deck of cards per hand with multiple hands permitted per game.

SECTION 2. Any qualified establishment within the unincorporated areas of the parish and within one (1) mile of any prohibited property shall have no more than three (3) video draw poker devices in operation. The measurement of the distance shall be a straight line from the nearest point of the qualified establishment location to the nearest point of the prohibited property.

SECTION 3. Exceptions to Section 2 are as follows:

(a) Any qualified establishment location within the unincorporated areas of the parish that was occupied by a qualified establishment with more than three (3) video draw poker devices in operation at the qualified establishment located on the date this Ordinance becomes effective shall be permitted to have more than three (3) video poker devices in operation at the same qualified establishment location, regardless of the qualified establishment location's proximity to any prohibited property.

(b) The prohibition in Section 2 shall not apply to a qualified establishment location if it is within the unincorporated areas of the parish and not within one (1) mile of any prohibited property that has more than three (3) video draw poker devices in operation when the subsequent construction, erection, development or movement of any prohibited property causes the qualified establishment location to be within one (1) mile of any prohibited property.

SECTION 4. If any section, clause, paragraph, provision or portion of these regulations shall be held invalid by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of these regulations.

SECTION 5. All Ordinances or parts of Ordinances by the Lafourche Parish Council conflicting with or inconsistent with the provisions of these regulations are hereby repealed.

SECTION 6. This Ordinance shall be published in the Office Journal of the Lafourche Parish Council in the manner provided by law.

SECTION 7. This Ordinance, having been submitted in writing, having been read and adopted by sections at a public meeting of said Council, was then submitted to an official vote as a whole, the vote thereon being as follows:

YEAS: Mr. Jerry Jones
Mr. Michael Delatte
Mr. Joseph "Joe" Fertitta
Mr. John Arnold
Mr. Lindel Toups
Mr. Phillip Gouaux
Mr. Jerry LaFont
Mr. Daniel Lorraine

NAYS: None

ABSENT: Mr. Aaron Caillouet

SECTION 8. This Ordinance shall become effective on the tenth day after final publication.

/s/ Daniel Lorraine
DANIEL LORRAINE, CHAIRMAN
LAFOURCHE PARISH COUNCIL

/s/ Carleen B. Babin
CARLEEN B. BABIN, COUNCIL CLERK
LAFOURCHE PARISH COUNCIL

Delivered to the Parish President on

June 16, 2014, at 9:10 a.m.

APPROVED: X

UNAPPROVED:

VETOED:

/s/ Charlotte A. Randolph
Lafourche Parish President

Returned to the Council Clerk on

June 17, 2014, at 1:05 p.m.

I, CARLEEN B. BABIN, Council Clerk for the Lafourche Parish Council, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 5470, enacted by the Assembled Council in Regular Session on June 10, 2014, at which meeting a quorum was present, and was finally adopted on June 17, 2014.

GIVEN UNDER MY OFFICIAL SIGNATURE AND SEAL OF OFFICE ON THIS 25TH DAY OF JUNE, 2014.

/s/ Carleen B. Babin
CARLEEN B. BABIN, COUNCIL CLERK
LAFOURCHE PARISH COUNCIL

DATE PUBLISHED: JUNE 30, 2014

DATE EFFECTIVE: JULY 10, 2014