

The following ordinance was introduced by Mr. Joe Fertitta in regular session convened on August 26, 2014.

PROPOSED ORDINANCE

The following ordinance, having been previously introduced and published, was offered for final adoption by Mr. Joe Fertitta, seconded by Mr. Aaron Caillouet.

ORDINANCE NO. 5529

AN ORDINANCE AMENDING AND RE-ENACTING CHAPTER 4 - ALCOHOLIC BEVERAGES, ARTICLE II - LICENSE AND PERMIT REQUIREMENTS, DIVISION 2 - DEALERS IN BEVERAGES OF HIGH ALCOHOLIC CONTENT, SECTION 4-45 - LOCATION OF RETAIL LIQUOR BUSINESSES NEAR CHURCHES AND SCHOOLS LIMITED OF THE LAFOURCHE PARISH CODE OF ORDINANCES TO ADD REVISED STATUTE 26:81 TO SECTION 4-45 OF THE CURRENT CODE.

BE IT ORDAINED, by the Lafourche Parish Council, convened in Regular Session on September 9, 2014, that:

SECTION 1.

WHEREAS, this Ordinance shall amend and re-enact Chapter 4 - Alcoholic Beverages, Article II - License and Permit Requirements, Division 2 - Dealers in Beverages of High Alcoholic Content, Section 4-45 - Location of Retail Liquor Businesses Near Churches and Schools Limited of the Lafourche Parish Code of Ordinances to add Revised Statute 26:81 to Section 4-45 of the current code.

WHEREAS, for clarity of this ordinance, Section 4-45 of Chapter 4 will be included in its entirety.

Amending and re-enacting Section 4-45 to add the following: (J. FERTITTA)

Sec. 4-45. Location of retail liquor businesses near churches and schools limited.

No retail permit shall be issued to any business or premises located or situated within 300 feet or less distance of a building, occupied exclusively as to include all teen establishments, a church or synagogue, public library, school, or full-time day care center as defined in R.S. 17:405 (A)(4), or correctional facility housing inmates, including but not limited to a halfway house. 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.

Location of business limited

- A. No permit shall be granted under this Chapter in contravention of any municipal or parish ordinances adopted pursuant to the zoning laws of the state.**
- B.(1) No permit shall be issued by the commissioner or by any municipality or parish to authorize any business in any subdivision of the state where the business has been prohibited by referendum vote.**
 - (2) In any subdivision where saloons are prohibited, but package sales of liquor are permitted, Class B package liquor permits may be issued in combination with Class A retail beer permits.**
 - (3) Any premises licensed to deal in alcoholic beverages, upon proper application, shall be issued a permit for beverages of low alcoholic content as defined in R.S. 26:241. The new permit shall be of the same class as the one for which the premises has a license.**

- C.(1) When prohibited by municipal or parish ordinance, no permit shall be granted for any premises situated within three hundred feet or less, as fixed by the ordinance, of a public playground or of a building used exclusively as a church or synagogue, public library, school, full-time day care center as defined in R.S. 17:405(A)(4), or a correctional facility housing inmates, including but not limited to a halfway house. In municipalities and in unincorporated areas which are divided into subdivisions with streets, blocks, and sidewalks, subject to the adoption of the alternate method of measurement as provided for in Paragraph (2) of this Subsection, this distance shall be measured as a person walks using the sidewalk from the nearest point of the property line of the church, synagogue, public library, public playground, school, full-time day care center, or correctional facility housing inmates, including but not limited to a halfway house to the nearest point of the premises to be licensed.**
- (2) A municipality may adopt an ordinance establishing an alternate method of measurement of the three hundred foot limitation by measuring in a straight line from the nearest point of the property line of the church or synagogue, public library, school, or full-time day care center to the nearest point of the premises to be licensed. Such alternate method of measurement shall only apply prospectively to the issuance of a new alcohol permit issued on or after the date the ordinance has been adopted.**
- D. Outside of municipalities and unincorporated areas which are not divided into subdivisions with streets, blocks, or sidewalks, parish ordinances may extend the prohibition to a distance of five hundred feet of the church, synagogue, public library, school, full-time day care center, playground, or a correctional facility housing inmates, including but not limited to a halfway house. The measurement of this distance shall be made in the same manner as the measurement is made in municipalities.**
- E. The prohibitions in this Section do not apply to any premises which are maintained as a bona fide hotel, or fraternal organization, nor to any premises which have been licensed to deal in alcoholic beverages for a period of one year or longer prior to the adoption of the ordinance.**
- F. For the purposes of the Section, “public library” shall mean a public library which is located in a permanent structure and is open to the public for three or more days per week.**

THEREFORE, BE IT ORDAINED, that the Lafourche Parish Council convened in Regular Session on September 9, 2014, and does hereby amend and re-enact Chapter 4 - Alcoholic Beverages, Article II - License and Permit Requirements, Division 2 - Dealers in Beverages on High Alcoholic Content, Section 4-45 - Location of Retail Liquor Businesses Near Churches and Schools Limited of the Lafourche Parish Code of Ordinances to add Revised Statute 26:81 to Section 4-45 of the current code.

BE IT FURTHER ORDAINED, that a certified copy of this Ordinance shall be forwarded to the MUNICODE; Lafourche Parish Sheriff's Office; the Lafourche Parish District Attorney's Office; the 17th Judicial District Court Judges and the Office of the Parish Administrator.

BE IT FURTHER ORDAINED, that:

SECTION 2. The Sheriff of this Parish is hereby specifically requested to assist in the enforcement of the provisions of this Ordinance.

SECTION 3. If any provision or item of this Ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items or application of this Ordinance which can be given affect without the invalid provisions, items or application, and to this end the provisions of this Ordinance are declared severable.

SECTION 4. All Ordinances by the Lafourche Parish Council conflicting with or inconsistent with the provisions of these regulations are hereby repealed.

SECTION 5. This Ordinance shall be published in the Official Journal of the Lafourche Parish Council in the manner provided by law.

SECTION 6. 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. Lindel Toups
Mr. Michael Delatte Mr. Phillip Gouaux
Mr. Aaron Caillouet Mr. Jerry LaFont
Mr. Joseph "Joe" Fertitta Mr. Daniel Lorraine

NAYS: None

ABSENT: Mr. John Arnold

SECTION 7. This Ordinance shall become effective on the tenth day after final publication.

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

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

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Delivered to the Parish President on

September 11, 2014, at 12:15 p.m.

APPROVED: X

UNAPPROVED:

VETOED:

/s/ Charlotte A. Randolph
Lafourche Parish President

Returned to the Council Clerk on

September 16, 2014, at 8:00 a.m.

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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. 5529, enacted by the Assembled Council in Regular Session on September 9, 2014, at which meeting a quorum was present, and was finally adopted on September 16, 2014.

GIVEN UNDER MY OFFICIAL SIGNATURE AND SEAL OF OFFICE ON THIS 24TH DAY OF SEPTEMBER, 2014.

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

DATE PUBLISHED: SEPTEMBER 30, 2014

DATE EFFECTIVE: OCTOBER 10, 2014