

ORDINANCE NO. 5961 OF 2020

BY THE CADDO PARISH COMMISSION:

AN ORDINANCE AMENDING AND RE-ENACTING SECTIONS 4-61 AND 4-61.1 AND ENACTING SECTIONS 4-63, 4-64, AND 4-65, ALL OF CHAPTER FOUR OF THE CODE OF ORDINANCES OF THE PARISH OF CADDO, PERTAINING TO PERMITS FOR THE SALE OF ALCOHOLIC BEVERAGES AND ALCOHOLIC BEVERAGE HANDLING CARDS, AND OTHERWISE PERTAINING THERETO.

WHEREAS, the Caddo Parish Commission finds that changes in the handling of hearings for violation of parish ordinances regarding alcoholic beverage permits would be in the best interest of the public, permit holders, and the Parish Commission;

WHEREAS, the Caddo Parish Commission finds that changes in the penalties for violation by holders of alcoholic beverage permits is warranted; and

WHEREAS, creation of an Alcoholic Beverage Committee to conduct hearings and make recommendations for penalties would improve and streamline the process.

NOW, THEREFORE, BE IT ORDAINED by the Caddo Parish Commission in due, regular and legal session convened that Section 4-61 and 4-61.1 of the Caddo Parish Code of Ordinances be amended and re-enacted and Sections 4-63, 4-64, and 4-65, of the Caddo Parish Code of Ordinances be enacted to read as follows:

**I. Section 4-61 and 4-61.1 of the Caddo Parish Code of Ordinances be amended and re-enacted to read as follows:**

**Sec. 4-61 – Suspension and revocation.**

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(b) Before any alcoholic beverage permit is suspended or revoked, the holder thereof shall be entitled to a hearing. The hearing may be held before the Alcoholic Beverage Permit Committee which may make findings of fact and recommendations to the full commission. No permit shall be revoked unless a hearing has been held and a majority of the parish commission votes for such suspension or revocation.

(c) A notice shall be served by ~~registered~~ certified mail, or in person, by an officer or employee of the parish commission, upon the permit holder or his agent or employee. The notice shall state the time and place of the hearing to be held, which shall be not less than ten calendar days from the date such notice is given. The notice shall enumerate the cause or causes for suspending or revoking the permit.

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**Sec. 4-61.1. - Revocation or suspension not exclusive; other penalties.**

(a) Notwithstanding any other provisions of this chapter to the contrary, the commission may in lieu of or in addition to revocation or suspension of a permit issued under the authority of this chapter, impose the following schedule of fines to be paid into the parish treasury for:

- (1) The first offense, ~~\$500.00~~ \$250.00;
- (2) The second offense which occurs within one year of the first offense, ~~\$750.00~~ \$500.00; and
- (3) The third offense which occurs within one year of the first offense, \$1,000.00.

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**II. Section 4-63, 4-64, and 4-65 of the Caddo Parish Code of Ordinances be enacted to read as follows:**

**Sec. 4-63. – Creation of Alcoholic Beverage Permit Committee.**

The Alcoholic Beverage Permit Committee of the Parish Commission is hereby created. The committee shall consist of five members of the Parish Commission appointed by the President of the Commission. The purpose of the alcoholic beverage permit committee shall be to hold hearings and recommend penalties for violations of parish ordinances on alcoholic beverage permits and to consider and make recommendations for changes in the alcoholic beverage ordinances of the Parish.

**Sec. 4-64. Powers of the Alcoholic Beverage Permit Committee**

The Alcoholic Beverage Permit Committee shall have authority:

- a) To conduct hearings regarding violations of the provisions of this chapter or any parish ordinance, relative to alcoholic beverages, and to make recommendations to the parish commission as to the suspension or revocation of permits issued to retail dealers of alcoholic beverages under Sect. 4-61 or levying of fines under Sect. 4-61.1.
- b) To conduct hearings regarding the substance and content of the alcoholic beverage ordinances of the Parish and make recommendations to the Parish Commission for changes in those ordinances.

**Sec. 4-65. Proceedings.**

The hearings before the Alcoholic Beverage Permit Committee shall be conducted as follows:

- a) Before any alcoholic beverage permit is suspended or revoked, the holder thereof shall be entitled to a hearing before the Alcoholic Beverage Permit Committee. No permit shall be revoked unless a hearing has been held, a recommendation has been made to the entire parish commission, and, after considering the findings of the committee and recommendation of the committee, a majority of the parish commission votes for suspension or revocation.
- b) A notice shall be served by certified mail, or in person, by a law enforcement officer or employee of the Parish, upon the permit holder or his agent or employee. The notice shall state the time and place of the hearing to be held, which shall be not less than ten calendar days from the date such notice is given. The notice shall enumerate the cause or causes for suspending or revoking the permit.
- c) The permittee shall have the right, personally, or through counsel or his agent, to appear and present evidence relevant and material to the issues involved the same as a judicial proceeding.
- d) The committee shall consider the evidence and argument of the presenting law enforcement agency and permittee. Should the committee find, by a majority vote of those committee members present, that a violation occurred, the committee shall make a recommendation to the full commission of the appropriate penalty under Sect. 4-61, Sect. 4-61.1, or both sections.
- e) The recommendation shall be promptly placed on the agenda of the full commission. The commission may accept, reject, or modify the recommendation. The permittee shall be permitted to address the commission on both the finding of a violation and the recommendation of a penalty.

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BE IT FURTHER ORDAINED, that if any provision or item of this ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items or

applications which can be given effect without the invalid provisions, items or applications, and to this end, the provisions of this ordinance are hereby declared severable.

BE IT FURTHER ORDAINED that this ordinance shall take effect immediately upon adoption.

BE IT FURTHER ORDAINED that all ordinances or parts thereof in conflict herewith are hereby repealed.

Approved as to legal form:

Parish Attorney

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Date