

Chapter 4 ALCOHOLIC BEVERAGES¹

ARTICLE I. IN GENERAL

Sec. 4-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administrator means the parish administrator of Caddo Parish, Louisiana.

Alcoholic beverage manufacturer means any natural person or other entity recognized by the law as being a legal entity, with legal capacity to contract, to sue and be sued, who, directly or indirectly, personally or through any agency, engages in the making, blending, rectifying, or other processing of alcoholic beverages in the parish.

Dealer means any natural person or other entity recognized by law as being a legal entity, with legal capacity to contract, to sue and be sued, who deals in alcoholic beverages as herein defined.

Dealing in alcoholic beverages means that the natural person or other entity recognized by the law as being a legal entity, engages, as a business, to manufacture, blend, rectify, distill, process, import, transport, store, use, handle, hold, sell, offer for sale, solicit orders for the sale of, distribute, deliver, serve, or allow any person to consume alcoholic beverages on the premises.

Premises means the closed or partitioned-in locality, whether room, shop or building wherein the alcoholic beverage is sold; except where such beverages are regularly sold or served outside the building, the term shall also include such outside area.

The definitions set forth in R.S. 26:1 (Alcohol Beverage Control Law—Definitions) and R.S. 26:241 (Alcohol Beverage Control and Taxation—Definitions), as amended, shall be effective as definitions of the words, terms and phrases used in this chapter. All words, terms and phrases used herein, other than those specifically defined elsewhere in this chapter, shall have the respective meanings ascribed to them in R.S. 26:1 and R.S. 26:241, as amended, and shall have the same scope and effect that the same words, terms and phrases have where used in R.S. 26:1 and R.S. 26:241, as amended.

(Code 1976, § 3-1; Code 1985, § 3-1; Ord. No. 3959, 11-2-2001)

State law reference(s)—Similar provisions, R.S. 26:241.

Sec. 4-2. Penalty.

Except as otherwise provided in this chapter, any person violating any of the provisions of this chapter shall be punished as provided in section 1-8.

(Code 1985, § 3-2)

Sec. 4-3. Louisiana Alcoholic Beverage Control Law adopted.

The provisions of R.S. 26:90 and 26:286, and all regulations of the state office of alcohol and tobacco control and the commissioner of the alcohol and tobacco control adopted pursuant thereto, as now written or amended, shall be effective as if they were part of this chapter.

State law reference(s)—The Alcoholic Beverage Control Law, R.S. 26: Pet seq.

subsequently amended, which governs prohibited acts on licensed premises and the suspension or revocation of permits, are hereby adopted and made applicable to the permitting, distribution, sales, and regulation of alcoholic beverages within the parish and outside of the incorporated municipalities, except as such are in conflict or inconsistent with the provisions of this chapter and as are inapplicable by their nature.

Sec. 4-4. Areas where sale prohibited totally by local option.

- (a) It shall be unlawful for any person to sell or deal in alcoholic beverages, or for any person or any employee of any person to sell, barter, exchange, give away, serve, dispense, deliver or otherwise dispose of, or permit to be consumed, alcoholic beverages upon the premises where business is conducted by such person within the confines of the unincorporated portions of Wards One, Three, or Six of the parish.
- (b) This section shall apply to the areas of Ward One, Three and Six of the parish, which are outside of legally incorporated cities, towns, and villages.
- (c) Any person who shall violate any of the provisions of this section shall, upon conviction thereof, be fined not less than \$25.00 nor more than \$100.00, or be imprisoned for not more than 30 days, or both.

(Code 1976, §§ 3-1.1, 3-1.5; Code 1985, § 3-3)

State law reference(s)—Local prohibitory ordinances and penalties for their violation, R.S. 26:595.

Sec. 4-5. Barrel tax.

- (a) There is hereby levied, in addition to all other excises, licenses or privilege taxes presently imposed, a tax on all beer, porter, ale, fruit juices, and wines, having an alcoholic content of not less than one-half of one percent or more than six percent by volume, of \$1.50 per standard barrel of 31 gallons or any like rate of any other quantity, or for the fractional parts of such barrel sold for consumption in the parish.
- (b) The tax levied herein shall be collected by any and all wholesale dealers from their vendees purchasing for consumption in the parish on each sale and shall be remitted by the said wholesale dealers to the collector of revenue for the state, for each month, on or before the 20th day of each succeeding month, all in accordance with the rules and regulations promulgated by the collector of revenue.
- (c) The failure of the wholesale dealer to collect and remit the tax levied, when due, or failure to pay the tax when due, by a purchaser for consumption in the parish shall, ipso facto, render each of them liable for the amount of taxes found to be due, together with a penalty of 20 percent of the amount of tax due, plus an additional amount of ten percent of the tax and penalty as attorney's fees if referred to an attorney for collection.

(Code 1985, § 3-4)

State law reference(s)—Barrel tax, R.S. 26:492, 26:493.

Secs. 4-6—4-28. Reserved.

ARTICLE II. ALCOHOLIC BEVERAGE DEALERS AND ESTABLISHMENTS

DIVISION 1. GENERALLY

Sec. 4-29. Exempt products.

This article shall not apply to any products presently exempted under state law.

(Code 1976, § 3-17; Code 1985, § 3-16)

State law reference(s)—Exempt products, R.S. 26:3.

Secs. 4-30—4-46. Reserved.

DIVISION 2. PERMITS

Sec. 4-47. Required.

No person shall engage in the business of dealing in alcoholic beverages without a permit issued by the administrator. Separate permits shall be required for each place of business operated by a retail or wholesale dealer.

(Code 1976, §§ 3-16, 3-18, 3-19; Code 1985, § 3-26; Ord. No. 2986, 8-11-1993)

State law reference(s)—Power of parish to require permits from dealers of beverages of high alcoholic content, R.S. 26:74; power of parish to require permit from dealers of beverages of low alcoholic content, R.S. 26:274.

Sec. 4-48. Classes.

- (a) *Beverages of high alcoholic content.* There shall be two classes of permits for the sale of beverages of high alcoholic content as follows:
 - (1) *Wholesale permit:* For dealers selling such beverages at wholesale;
 - (2) *Retail permit:* For dealers selling such beverages at retail.
- (b) *Beverages of low alcoholic content.* There shall be three classes of permits for the sale of beverages of low alcoholic content as follows:
 - (1) *Wholesale permit:* For dealers selling such beverages at wholesale;
 - (2) *Class A retail dealer's permit:* For dealers selling at retail for on or off premises consumption;
 - (3) *Class B retail dealer's permit:* For dealers selling at retail for off premises consumption.

(Code 1976, § 3-23; Code 1985, § 3-27)

State law reference(s)—Similar provisions, R.S. 26:71, 26:271.

Sec. 4-49. Application.

- (a) Unless specified elsewhere in this division, all applications for alcoholic beverage permits shall be made on the forms supplied by the parish, shall be sworn to, and shall be accompanied by certified funds, in the proper amount, payable to the parish.
- (b) The applicant shall file as a part of this application:

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- (1) A list of all natural persons, or other recognized legal entities, financially interested in any way in the business.
 - (2) A notarized copy of the advertisement placed in the newspaper as required by R.S. 26:77 and 26:277. Publication of this notice is not required for permittees seeking the renewal of their permits.
 - (3) A list of all persons the applicant will use in conducting the business, whether wholly or partly, and applications for each person.
- (c) The parish administrator shall approve the application without delay when he determines, in his discretion, that the applicant meets the prescribed qualifications under state law for the permit and has complied with all applicable provisions of this chapter. If the administrator disapproves the application, he shall notify the applicant in writing and state the reasons for such disapproval. Any applicant aggrieved by the decision of the administrator may, within ten day from the date such decision was rendered, appeal to the parish commission by filing a written request with the commission clerk for review of such decision. The parish commission shall within 45 days hold a hearing thereon. After hearing the appeal, the commission may, by a majority vote of the entire body, reverse the decision of the administrator.
- (d) The procedures and reasons for refusing to issue a permit shall be the same as provided by state law, depending upon the alcoholic content of the alcoholic beverage permit involved.

(Code 1976, § 3-26; Code 1985, § 3-28; Ord. No. 2986, 8-11-1993)

State law reference(s)—Qualifications of applicants for alcoholic beverage permits, R.S. 26:80, 26:280.

Sec. 4-50. Fees established.

- (a) The annual fee for a permit to sell beverages of high alcoholic content shall be as established by the parish commission, from time to time.
- (b) The annual fee for a permit to sell beverages of low alcoholic content shall be as established by the parish commission, from time to time.

(Code 1976, § 3-23; Code 1985, § 3-29; Ord. No. 2919, 10-14-1992)

State law reference(s)—Power of parish to require permit fees, R.S. 26:74, 26:274.

Sec. 4-51. Proration of fee.

- (a) The fee for a permit to deal in alcoholic beverages of high alcoholic content shall be prorated as follows:
 - (1) If there be more than six months remaining in the current year, the entire fee amount shall be charged.
 - (2) If there be less than six months remaining in the current year, only one-half of the fee amount shall be charged.
- (b) The fees for permits to deal in alcoholic beverages of low alcoholic content shall not be prorated.

(Code 1976, § 3-23; Code 1985, § 3-30)

Sec. 4-52. Persons eligible.

- (a) Applicants for permits required by this article shall meet the qualifications and conditions prescribed by state law, for the classification of the alcoholic beverage permit applied for.

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

(Code 1976, § 3-24; Code 1985, § 3-31)

Sec. 4-53. Location restrictions.

- (a) No dealer shall sell, serve or dispense and no permit shall be granted when the business operates within any of the following localities:
 - (1) Within 500 feet of any parish or municipal public playground or building used exclusively as a church, synagogue, public library, or school, except a school for business education, conducted as a business college or school;
 - (2) Property zoned by parish zoning ordinance wherein such sales are prohibited, unless the restriction be removed by the zoning authority.
- (b) Measurement of this distance shall be as provided by state law. Applicability of the statute will depend upon whether the alcoholic beverage to be sold is of high or low alcoholic content.
- (c) Any business presently in operation within 500 feet of the properties described in subsection (a) of this section, but at a distance which was legal at the time the permit was issued, shall not be denied permit renewal for this reason.

(Code 1976, § 3-4; Code 1985, § 3-32)

State law reference(s)—Location restrictions, R.S. 26:81, 26:281.

Sec. 4-54. Issuance.

Upon approval of the application and payment of the prescribed fee, the appropriate permit shall be issued.

(Code 1976, § 3-27; Code 1985, § 3-33; Ord. No. 2986, 8-11-1993)

Sec. 4-55. Denial based on public health, morals, safety and peace.

If, from specific facts determined by the parish, it can be reasonably anticipated that the issuance of a permit to engage in the business of dealing in alcoholic beverages will have an adverse effect upon the public health, morals, safety or peace, the parish may deny the issuance of such permit. By "public" is meant not just the immediate area surrounding the premises to be licensed, but may also mean the parish as a whole. In determining whether it can be reasonably anticipated that the issuance of a permit to engage in the business of dealing in alcoholic beverages will have an adverse effect upon public health, morals, safety or peace, in addition to the factors set forth in R.S. tit. 26 and this chapter. The parish may consider the following as grounds to deny an application for such a permit:

- (1) Undue congestion of streets and traffic access;
- (2) Land or building usage which is, or may become, incompatible with existing character or usage of the neighborhood;
- (3) An oversupply of types of land use or zoning in proportion to population, land use and public facilities in the neighborhood;

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- (4) Adverse effect upon reliance that neighboring property owners or occupants have placed upon existing zoning patterns; and
 - (5) Creation of a spot zone, that is, an incompatible or unrelated classification which would prevent the normal maintenance and enjoyment of adjacent properties.

(Code 1985, § 3-33.1; Ord. No. 2194, § 1, 1-9-1985; Ord. No. 2986, 8-11-1993; Ord. No. 4755, 6-5-2008)

Sec. 4-56. Expiration.

A permit issued pursuant to the provisions of this division shall expire on the last day of the calendar year for which it was issued.

(Code 1976, § 3-16; Code 1985, § 3-34)

Sec. 4-57. Renewal.

- (a) Renewal of a permit issued pursuant to this division for each subsequent year shall be made between November 1 and December 1. The application and procedures for renewal of permits shall be the same as application for initial permit, except for advertisement.
- (b) If a dealer in beverages of high alcoholic content fails to file the application and pay the permit fee by December 1, there shall be added to the fee a delinquency penalty of five percent if the failure is for not more than 30 days.
- (c) If a dealer in beverages of low alcoholic content fails to file the application and pay the permit fee by December 1, there shall be added to the fee a delinquency penalty of 25 percent over and above the regular fee.
- (d) If any permittee fails to file his application for renewal and pay the fee therefor before December 31, he shall lose the privilege of conducting a business dealing in alcoholic beverages, until he has filed and has had approved a new application, paid the fee and been issued a new permit.
- (e) Renewal permits may be withheld or denied on the same grounds and in the same manner as an original permit.

(Code 1976, § 3-28; Code 1985, § 3-35)

Sec. 4-58. Assignment, transfer, etc.

All permits issued hereunder shall be personal to the dealer acquiring it, shall not be assignable or transferable and shall not be heritable.

(Code 1976, § 3-20; Code 1985, § 3-36)

State law reference(s)—Similar provisions, R.S. 26:76, 26:276.

Sec. 4-59. Display.

A permit issued pursuant to the provisions of this division shall be displayed in the premises for which it was issued in a prominent place to the public.

(Code 1976, § 3-16; Code 1985, § 3-37)

Sec. 4-60. Change of location.

- (a) A dealer in alcoholic beverages shall conduct his business only in the licensed premises, and no permit issued hereunder shall authorize the conducting of business in any changed location, except upon application therefor submitted to the administrator who may grant or deny it as he deems advisable but, if approved, no additional permit shall be required.
- (b) The written notice from the administration, authorizing the change in location, shall become an amendment to the permit, and shall be displayed in view of the public the same as the permit.
- (c) A dealer aggrieved by the decision of the administrator may, within ten days of the date such decision was rendered, appeal to the parish commission, by filing a written request with the commission clerk for review of such decision. The parish commission shall within 45 days hold a hearing thereon. After hearing the appeal, the commission may, by majority vote of the entire body, reverse the decision of the administrator.

(Code 1976, §§ 3-21, 3-22; Code 1985, § 3-38; Ord. No. 2986, 8-11-1993)

Sec. 4-61. Suspension and revocation.

- (a) It shall be grounds for the suspension or revocation of an alcoholic beverage permit issued under this article, whenever there is found to exist any of the following:
 - (1) If the applicant, or any of the persons who must possess the same qualifications, fails to possess the qualifications required by R.S. 26:80 and 26:280 at the time of the application.
 - (2) Any misstatement or suppression of fact in the application for the permit or renewal.
 - (3) If the permit was issued to an interposed person in contravention of La. 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 or any person listed in of R.S. 26:80B has materially violated any provisions of this chapter or R.S. tit. 26.
 - (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, from specific facts of record before the parish commission, it can be reasonably anticipated that the continued exercise of the rights granted under the permit will have an adverse effect upon the public health, morals, safety, or peace. By "public" is meant not just the immediate area surrounding the licensed premises, but may also mean the parish as a whole.
 - (8) If any dealer or any person listed in R.S. 26:80B violates or has violated any provision of this chapter.
 - (9) If the holder of any retail dealer's 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 R.S. tit. 33, ch. 15, part V-B.
 - (10) If the permittee fails to pay any sales or use taxes due to the parish.
- (b) Before any alcoholic beverage permit is suspended or revoked, the holder thereof shall be entitled to a hearing. No permit shall be revoked unless a hearing has been held, and a majority of the parish commission votes for such suspension or revocation.

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- (c) A notice shall be served by registered 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.
 - (d) 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.
 - (e) In the event of revocation or suspension, the permittee may appeal to the courts as provided by law.
 - (f) Written notice of the revocation or suspension shall be forwarded to the appropriate state agency.
 - (g) If a person holds more than one permit and any one of them is suspended or revoked, the commission may suspend or revoke all of his permits.
 - (h) When a permit is revoked for any legal cause the commission may, at the same time, order that no alcoholic beverage permit shall be used covering the same premises until one year after the date of revocation.
 - (i) Notwithstanding anything contained herein to the contrary, conviction by a court of violation of the provisions of this chapter is not a condition precedent to the refusal, suspension, or revocation of a permit under this chapter for a violation of any of the provisions of this chapter. When there has been a previous criminal prosecution of the same or similar act upon which the refusal, suspension, or revocation of a permit is being considered, evidence of an acquittal in a court of competent jurisdiction is admissible in a proceeding before the commission. The commission shall withhold, suspend, or revoke permits for violations of this chapter, regardless of any prosecution in the court or of the result of any such prosecution.
 - (j) In determining cases involving the suspension or revocation of permits, if the commission finds that the violation is of a minor nature, or that there are extenuating circumstances, or that there are reasonable grounds to expect that the permit holder will not again violate any of the provisions of this chapter, the commission may impose a fine or suspend the permit for such time as it thinks proper, not to exceed 365 days. If the permit holder has previously been fined or had a permit suspended or revoked, whether by state or local authorities, or if the violation is flagrant or serious, or in the case of multiple violations in a 365 day period, the commission may revoke the permit. The commission shall thereafter immediately notify the permit holder, state authorities, and the sheriff of its action. The commission shall retain jurisdiction to reopen cases at any time upon petition or ex proprio motu, and for good cause shown may modify, revise or reverse its former findings and decisions and all such reopened cases shall be heard and determined under the same rules of procedure as original cases.

(Code 1976, § 3-29; Code 1985, § 3-39; Ord. No. 2194, § 2, 1-9-1985; Ord. No. 2986, 8-11-1993; Ord. No. 5079, 4-21-2011)

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;
 - (2) The second offense which occurs within one year of the first offense, \$750.00; and
 - (3) The third offense which occurs within one year of the first offense, \$1,000.00.
- (b) The revocation or suspension of a permit is in addition to and no in lieu of or limitation of any other penalty imposed by law.

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- (c) For purposes of this section, the term "offense" shall mean each violation of this chapter which the commission finds has occurred. More than one offense may be considered by the commission in a single hearing. The term "year" shall mean 365 consecutive days.
 - (d) Of the funds received through the imposition of the fines authorized by this section, the parish shall remit 50 percent thereof to the Caddo Parish Sheriff's Office on a quarterly basis.

(Ord. No. 5079, 4-21-2011)

Sec. 4-61.2. Notification of violations.

The parish requests that the sheriff timely notify the clerk of the commission of any alleged violations of the provisions of this chapter by any licensee whether or not criminal convictions have been obtained.

(Ord. No. 5079, 4-21-2011)

Sec. 4-62. Special events permit.

- (a) A special events permit authorizes the holder to sell or dispense alcoholic beverages for consumption at designated premises for a special occasion and limited period of time. Any individual, social, fraternal, civic, political or patriotic organization or business entity organized under the laws of the state or qualified to do business within the state are eligible for a special events permit.
- (b) An application for a special events permit must be received by the administrator at least 30 days prior to the date for which the permit is requested. The application must be signed by both the president and secretary of the organization or business entity applying for the permit, if applicable. A sworn affidavit confirming compliance with all applicable provisions of this chapter must accompany the application, together with a certified copy of the resolution of the board of directors authorizing the application, if applicable. The written approval of the law enforcement agency having jurisdiction over the designated premises of the occasion for which the permit is sought must also be obtained and accompany the application.
- (c) The administrator shall approve the application without delay when he determines, in his discretion, that the applicant meets the prescribed qualifications for the permit and has complied with all applicable provisions of this chapter. If the administrator disapproves the application, he shall notify the applicant in writing and state the reasons for such disapproval. Any applicant aggrieved by the decision of the administrator may, within five days from the date such decision was rendered, appeal to the parish commission by filing a written request with the commission clerk for review of such decision. The parish commission shall hold a hearing thereon at its next regularly scheduled meeting following the denial of the application. After hearing the appeal, the commission may, by a majority of the entire body, reverse the decision of the administrator.
- (d) No special events permit shall be granted when the designated premises for the special event is prohibited under state law or other applicable provisions of this chapter.
- (e) Upon approval of the application and payment of the prescribed fee, a special events permit shall be issued for a duration of up to three consecutive days.
- (f) The special events permit must be surrendered to the administrator, its agent, or the law enforcement agency approving the permit, within 48 hours of its expiration time. Failure to surrender the permit is cause, in the discretion of the administrator, for denial of applications for permits made in the future by the organization or business entity. No more than five special events permits may be granted to an individual, organization or business entity, including its auxiliary, in any one calendar year.
- (g) A special events permit may not be transferred or renewed.

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(Code 1985, § 3-40; Ord. No. 3928, 10-18-2001)

Secs. 4-63—4-82. Reserved.

DIVISION 3. ALCOHOLIC BEVERAGE EMPLOYEE HANDLING CARD

Sec. 4-83. Required.

- (a) It shall be unlawful for any holder of a permit issued pursuant to division 2 of this article to allow any alcoholic beverage handling employee to handle, sell or serve alcoholic beverages for consumption on premises unless such alcoholic beverage handling employee is in possession of an alcoholic beverage handling employee card issued under the authority of this division. The permit holder shall notify the sheriff of the intended employment, and apply to the sheriff to obtain such card.
- (b) Every alcoholic beverage handling employee shall obtain an alcoholic beverage handling employee card prior to handling, selling or serving alcoholic beverages for consumption on premises for which a permit is required by this chapter.
- (c) The sheriff may in his discretion grant special oral dispensations of the employee card requirement in specific cases, upon valid reasons shown, said dispensations not to exceed the period from time granted until the close of the next normal business day.

(Code 1976, § 3-25; Code 1985, § 3-46)

Sec. 4-84. Qualifications of applicant.

- (a) Each applicant for an alcoholic beverage handling employee card shall meet the following qualifications and conditions:
 - (1) He must be a person of good character and reputation and 18 years of age or older.
 - (2) If the person has been convicted of a felony under the laws of the United States, the State of Louisiana or any other state or country, at least five years must have passed since the expiration of the sentence given for the conviction of the felony, including probation and parole. This provision shall not apply to a conviction for which the applicant has received a first offense pardon under the laws of the state.
 - (3) He has not been convicted within the last two years in this or in any other state or by the United States or any other country of soliciting for prostitution, pandering, letting premises for prostitution, contributing to the delinquency of juveniles, keeping a disorderly place, letting a disorderly place, illegally dealing in controlled dangerous substances or any violation of the controlled dangerous substance statutes.
 - (4) He must not have been convicted of any offense within the last two years of violating any of the provisions of this chapter.
 - (5) He must not have had a dealer's permit revoked in the last year which was issued in his name or in the name of a partnership of which he was a partner or in the name of a corporation in which he was a stockholder.
 - (6) He must not have had an alcoholic beverage handling employee card revoked within the last year.
 - (7) A new applicant must have completed, or must complete within 30 days of the issuance of an alcoholic beverage handling employee card, a responsible alcohol service program approved by the sheriff of the

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parish. In addition, all applicants shall complete a recertification program every four years after the initial program.

- (b) If the applicant for an alcoholic beverage handling employee card does not possess the required qualifications enumerated hereinabove, the permit shall be denied.

(Code 1976, § 3-25.1; Code 1985, § 3-47; Ord. No. 3260, 12-14-1995)

Sec. 4-85. Issuance and appeal from denial.

The sheriff of the parish is hereby authorized to issue, without delay, an alcoholic beverage handling employee card when he finds the applicant to be qualified. If the sheriff finds that the applicant is not qualified, he shall deny the permit. A person whose permit is denied may appeal the denial of the permit to the parish commission by filing a request for such an appeal with the clerk of the parish commission within ten days after being notified of the denial of the permit.

(Code 1976, § 3-25.2; Code 1985, § 3-48)

Sec. 4-86. Contents.

A card issued pursuant to this division shall contain the picture and right thumbprint of the person to whom it is issued.

(Code 1976, § 3-25.3; Code 1985, § 3-49)

Sec. 4-87. Fee, term; renewal.

The fee for an alcoholic beverage handling employee card shall be as established by the parish commission, from time to time. This card will be for a period of one year and must be renewed prior to the expiration date.

(Code 1976, § 3-25.4; Code 1985, § 3-50)

Sec. 4-88. Premises applicable to.

A card for an alcoholic beverage handling employee shall be good and valid for use on the premises of any alcoholic beverage permit holder.

(Code 1976, § 3-25.5; Code 1985, § 3-51)

Sec. 4-89. Suspension or revocation.

- (a) An alcoholic beverage handling employee card may be suspended or revoked by the sheriff if, at any time, the holder thereof fails to meet the qualifications prescribed by section 4-84 or if he violates any provision of this chapter.
- (b) Before any alcoholic beverage handling employee card is suspended or revoked, the holder thereof shall be given notice of his right to a hearing before the sheriff. Such notice shall inform the card holder of the reasons for which the sheriff proposes to suspend or revoke the card and shall inform the card holder that, unless a hearing is requested within ten days from the date the notice is sent, the sheriff will suspend or revoke the card. Such notice shall be delivered either personally to the card holder or shall be sent by registered mail to the card holder's last known address. In the event a hearing is not requested within ten

days of the date of such notice, the sheriff may proceed to revoke or suspend the alcoholic beverage handling employee card. In the event a hearing is requested by the card holder, the sheriff shall inform the card holder of the date of such hearing, which hearing shall be held within ten days of the date of the request for a hearing.

- (c) The holder of an alcoholic beverage handling employee card who feels aggrieved by a decision of the sheriff in suspending or revoking such card may, within ten days of the notification of the decision of the sheriff, appeal to the parish commission. The decision of the sheriff shall be affirmed, unless a majority of the parish commission, at a hearing on such appeal, votes to overrule or modify the action of the sheriff.

(Code 1976, §§ 3-25.6, 3-25.7; Code 1985, § 3-52)

Secs. 4-90—4-106. Reserved.

DIVISION 4. OPERATIONAL RULES AND REGULATIONS

Sec. 4-107. Unauthorized sales.

No person holding a retail dealer's permit and no agent, associate, employee, representative or servant of the permittee shall 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 the permit issued pursuant to division 2 of this article.

(Code 1976, § 3-6(a)(5); Code 1985, § 3-66; Ord. No. 5750-2017, 1-4-2018)

State law reference(s)—Similar provisions, R.S. 26:90(5), 26:286(5).

Sec. 4-108. Hours of sales, closing hours, etc.

- (a) Except as provided in sections 4-109 through 4-112, it shall be unlawful for any retail or wholesale dealer to be open for business between the hours of 4:01 a.m. on Sundays and 5:59 a.m. on Sundays, or between the hours of 4:01 a.m. and 5:59 a.m. on any other day of the week.
- (b) The owner, manager and any employee in charge of any permitted establishment shall be held responsible for the closing of the establishment and for keeping the establishment closed as provided in this section.
- (c) This section shall not be applicable to special events, bona fide restaurants, bona fide private clubs and bona fide private parties as defined in sections 4-109 through 4-112.
- (d) Any person who violates any of the provisions of this section shall be punished as provided in section 1-8, and, in addition thereto, any violation of the provisions of this section shall constitute grounds for the withholding, denial, suspension or revocation of any permit or license for the manufacture, selling, serving, or otherwise handling or dealing in of alcoholic beverages of any alcoholic content.

(Code 1976, §§ 3-2, 3-3; Code 1985, § 3-67; Ord. No. 2985, 8-11-1993; Ord. No. 5750-2017, 1-4-2018)

Editor's note(s)—The validity of the above section was sustained in *Asbell v. Caddo Parish Policy Jury*, 292 So.2d 848 (1974).

Sec. 4-109. Sunday sales—Special events.

It shall be lawful to sell or dispense beverages of low alcoholic content at festivals, fairs and sporting events, as hereinafter described, between the hours of 12:00 noon and 12:00 midnight on Sundays, pursuant to the following:

- (1) This section shall be applicable to festivals and fairs for the purpose of promoting the arts or community or cultural heritage and to competitive sporting events open to the general public.
- (2) Persons desiring to sell or dispense beverages of low alcoholic content on Sunday pursuant to this section shall apply for a permit for that purpose pursuant to the provisions of section 4-49.
- (3) The permit shall be valid on the Sunday or Sundays applied for only during the duration of the specified qualifying event between the hours of 12:00 noon and 12:00 midnight.
- (4) The fee for said permit shall be as established by the parish commission, from time to time, and shall be paid to the parish prior to the issuance of the permit.

(Code 1985, § 3-67.1; Ord. No. 2888, 5-27-1992; Ord. No. 5750-2017 , 1-4-2018)

Sec. 4-110. Same—Bona fide restaurants.

- (a) A bona fide restaurant, as defined in this section, shall be permitted to serve alcoholic beverages in dining areas as an accompaniment to food on Sundays but only between the hours of 12:00 noon and 12:00 midnight. Such a restaurant, however, may serve only the types of alcoholic beverages that it is licensed to serve at other times.
- (b) Any bona fide restaurant desiring to serve alcoholic beverages on Sundays in accordance with this section shall first apply to the administrator for a Sunday alcoholic beverage permit for restaurants. Any applicant for such a permit shall furnish such information relative to its operations as may be required by the administrator including, but not necessarily limited to, information as to its gross sales of alcoholic beverages as opposed to food sales and copies of the establishment owner's federal and state income tax returns for three years preceding the date of the application. The administrator shall arrange for a representative of the parish to inspect the applicant's premises to determine whether a bona fide restaurant is being operated on such premises. If the administrator is satisfied that a bona fide restaurant is being operated on the premises of the applicant, he shall issue a Sunday alcoholic beverage permit for restaurants which shall be displayed in a conspicuous place on the premises of the applicant. Any permit issued pursuant to this section shall be subject to revocation or suspension for any grounds that a dealer's basic liquor permit may be revoked or suspended and also if the applicant should fail to continue to operate a bona fide restaurant.
- (c) If the administrator denies an application on the basis that the applicant is not operating a bona fide restaurant, the administrator shall give written notice to the applicant of the denial of the application and the grounds therefor. Any applicant aggrieved by the decision of the administrator may, within ten days from the date such decision is rendered, appeal to the parish commission by filing a written request with the commission clerk for a review of such decision. The commission shall within 45 days hold a hearing on the appeal. After public hearing on the appeal, the commission may by majority vote of the entire commission reverse the decision of the administrator. In the event of such a reversal, the administrator shall issue the applied-for permit to the applicant.
- (d) For the purpose of this article, a "bona fide restaurant" is defined as an establishment that shall have been operated continuously as a restaurant for at least 90 days prior to the date of its application for a Sunday alcoholic beverage permit for restaurants. However, to qualify as a bona fide restaurant, the establishment's gross revenues from the sale of food during such 90-day period must have exceeded its receipts from the sale and dispensing of alcoholic beverages. If an establishment has a separate but adjoining cocktail lounge as part of its premises, the gross sale of the cocktail lounge shall be excluded in determining whether the establishment meets the requirement that its food sales exceed its sale of alcoholic beverages, and in such

cases, only the gross sales of food and beverages in the dining room areas of the establishment shall be considered. After the issuance of the permit, the establishment's food sales must at all times exceed its sales of alcoholic beverages for the establishment to be considered a bona fide restaurant.

- (e) If an establishment desires to serve alcoholic beverages on Sunday in accordance with this section prior to its qualification as a bona fide restaurant, the administrator may issue a temporary permit, which shall be valid for 90 days, to allow the establishment to make such determination. In order to qualify for the issuance of a temporary permit, the applicant must establish, to the satisfaction of the administrator, the following:
- (1) The establishment is a place of business whose intended purpose and primary function is to take orders for and serve food and food items;
 - (2) The establishment serves alcoholic beverages in conjunction with meals;
 - (3) The establishment serves food on all days of operation;
 - (4) The establishment operates a fully equipped kitchen used for the preparation of uncooked foods for service and consumption of such foods on the premises; and
 - (5) The establishment has been certified by the local health department showing compliance with all health and sanitary requirements.

In lieu of the provisions set out in this subsection, for a restaurant owned by the same individual, partnership, corporation, or other legal entity, the applicant shall provide information to the administrator relative to the operation of the other restaurants relative to its gross sales of alcoholic beverages as opposed to food sales for the three years preceding the date of application.

- (f) If a restaurant with a separate cocktail lounge desires to sell alcoholic beverages pursuant to this article, it must close and lock the cocktail lounge at 4:01 a.m. on Sunday and not reopen the cocktail lounge until 5:59 a.m. on Monday. However, such cocktail lounge may be open during such hours authorized by and under a permit issued pursuant to section 4-112. If the restaurant has a bar for service of alcoholic beverages in the dining area, which bar is not regularly and customarily used for dining purposes, the bar shall be used only as a service bar for the dining area on Sunday; and no alcoholic beverages shall be dispensed to the patrons from the bar itself but only in dining areas by a waiter or waitress.
- (g) Any Sunday alcoholic beverage permit issued pursuant to this section shall expire at the same time as the current basic liquor permit that the applicant obtained from the parish. However, the Sunday alcoholic beverage permit for restaurants may be renewed from year to year if the basic permit is renewed and if the applicant still operates a bona fide restaurant as defined in this section. The annual fee for the issuance of a Sunday alcoholic beverage permit for restaurants shall be \$125.00 which shall be paid by certified funds in cash to the administrator.

(Code 1985, § 3-67.2; Ord. No. 2985, 8-11-1993; Ord. No. 5750-2017 , 1-4-2018)

Sec. 4-111. Same—Bona fide private clubs.

- (a) A bona fide private club, as defined in this section, shall be permitted to serve alcoholic beverages on Sundays, but only between the hours of 12:00 noon and 12:00 midnight. Such a bona fide private club, however, may serve only the types of alcoholic beverages that it is licensed to serve at other times.
- (b) Any bona fide private club desiring to serve alcoholic beverages on Sundays in accordance with this section shall first apply to the administrator for a Sunday alcoholic beverage permit for private clubs. Any applicant for such a permit shall furnish such information relative to its operation as may be required by the administrator, including, but not necessarily limited to, articles of incorporation and other documents evidencing that the applicant is a bona fide private club. The administrator shall arrange for a representative

of the parish to inspect the applicant's premises to determine whether a bona fide private club is being operated on such premises. If the administrator is satisfied that a bona fide private club is being operated on the premises of the applicant, he shall issue a Sunday alcoholic beverage permit for private clubs which shall be displayed in a conspicuous place on the premises of the applicant. Any permit issued pursuant to this section shall be subject to revocation or suspension for any grounds that a dealer's basic liquor permit may be revoked or suspended and also if the applicant should fail to continue to operate a bona fide private club.

- (c) If the administrator denies an application on the basis that the applicant is not operating a bona fide private club, the administrator shall give written notice to the applicant of the denial of the application and the grounds therefor. Any applicant aggrieved by the decision of the administrator may, within ten days from the date such decision is rendered, appeal to the parish commission by filing a written request with the commission clerk for a review of such decision. The commission shall within 45 days hold a hearing on the appeal. After public hearing on the appeal, the commission may by majority vote of the entire commission reverse the decision of the administrator. In the event of such reversal, the administrator shall issue the applied-for permit to the applicant.
- (d) For the purpose of this section, a "bona fide private club" is defined as a voluntary, incorporated or unincorporated association of persons for purposes of a social, literary, political or other noncommercial nature which is patronized only by its members and any guests which have been specifically invited by and accompany such members. Equitable ownership of such club must be held exclusively by its members. It must be nonprofit in nature, in that it must not be designed primarily to pay dividends on invested capital nor incomes to its members. After the issuance of the permit, the holder thereof must at all times meet the requirements of this section in order to be considered a bona fide private club.
- (e) Any Sunday alcoholic beverage permit for private clubs issued pursuant to this section shall expire at the same time as the current basic liquor permit that the applicant obtained from the parish. However, the Sunday alcoholic beverage permit for private clubs may be renewed from year to year if the applicant still operates a bona fide private club, as defined in this section. The annual fee for the issuance of a Sunday alcoholic beverage permit for private clubs shall be as established by the parish commission, from time to time, which shall be paid by certified funds to the administrator prior to the issuance of the permit.

(Code 1985, § 3-67.3; Ord. No. 2985, 8-11-1993; Ord. No. 5750-2017 , 1-4-2018)

Sec. 4-112. Same—Bona fide private parties held on Sundays on the premises of retail dealers of alcoholic beverages.

- (a) Notwithstanding anything contained in section 4-108, it shall be lawful for any retail dealer of alcoholic beverages otherwise licensed to allow consumption on the premises to open and sell, serve, dispense, or otherwise dispose of any alcoholic beverages between the hours of 12:00 noon and 12:00 midnight for the purpose of conducting a bona fide private party, as defined in this section, and on the terms of the conditions contained in this section.
- (b) Any retail dealer desiring to open on Sunday between the hours of 12:00 noon and 12:00 midnight and sell, serve, dispense or otherwise dispose of any alcoholic beverages during that time for the purpose of conducting a bona fide private party shall first apply to the administrator for an alcoholic beverage permit to sell, serve, dispense or otherwise dispose of any alcoholic beverages at a private party on Sunday. Any application for such a permit shall furnish the following information relative to the contemplated party: date and location of the party; identification and address of the host for the contemplated party; a written list of the individuals invited to attend the contemplated party, which list, together with any copies made thereof, shall be destroyed within 24 hours after the party; and a statement signed by the host that persons not specifically invited to the party will not be permitted admittance thereto. All applications for such permits shall be submitted to the administrator no later than ten days prior to the proposed time and date for such a

private party. Any permit issued pursuant to this section shall be subject to revocation and suspension for any grounds that a dealer's basic liquor permit may be revoked or suspended.

- (c) If the administrator denies an application on the basis that the applicant did not propose to conduct a bona fide private party, the administrator shall provide written notice to the applicant of the denial of the application and the grounds therefor. Any applicant aggrieved by the decision of the administrator may, within ten days from the date such decision is rendered, appeal to the parish commission by filing a written request with the commission clerk for a review of such decision. The commission shall within 45 days hold a hearing on the appeal. After public hearing on the appeal, the commission may by majority vote of the entire commission reverse the decision of the administrator. In the event of such a reversal the administrator shall issue the applied-for permit to the applicant.
- (d) For the purpose of this section, a "bona fide private party" is defined as a party hosted and sponsored by someone other than the retail dealer of alcoholic beverages and for which a written guest list is prepared, invitations are distributed, and no one other than specific invitees thereto shall gain admittance.
- (e) Any permit issued pursuant to this section shall be for one bona fide private party only. The fee for such permit shall be as established by the parish commission, from time to time, which shall be paid by certified funds to the administrator prior to the issuance of the permit.

(Code 1985, § 3-67.4; Ord. No. 2985, 8-11-1993; Ord. No. 5750-2017 , 1-4-2018)

Sec. 4-113. Same—Packaged beer.

- (a) Except as provided in subsection (b) of this section, any establishment holding a current retail dealer's permit under the provisions of this chapter may sell packaged beer for consumption off of the permittee's premises on Sunday, between the hours of 4:01 a.m. and 5:59 a.m., provided that during the operation on Sundays all other alcoholic beverages on such permittee's premises shall be placed in locked rooms, cabinets or containers in such a manner that the permittee's patrons will not have access to such other alcoholic beverages.
- (b) Holders of permits pursuant to the provisions of sections 4-109 through 4-112 are specifically excluded from off premises sales allowed by this section.

(Code 1985, § 3-67.5; Ord. No. 2985, 8-11-1993; Ord. No. 5750-2017 , 1-4-2018)

Sec. 4-114. Same—Raceway premises.

- (a) Notwithstanding the provisions of section 4-108, any person or other legal entity holding a current retail dealer's permit under the provisions of this chapter may sell alcoholic beverages for on-premises consumption on raceway premises on Sunday, but only beverages of low alcoholic content and only between the hours of 12:00 noon and 12:00 midnight.
- (b) Any person or other legal entity desiring to sell or dispense beverages of low alcoholic content for on-premises consumption on raceway premises on Sunday shall apply for and obtain a permit pursuant to the provisions of section 4-49.
- (c) The fee for any permit issued under this section 4-114 shall be as established by the parish commission, from time to time, and the fee shall be in addition to any other fee under any other provision of this chapter.
- (d) For the purposes of this section 4-114, raceway premises shall be defined as commercial premises upon which the primary activity consists of automotive or race car competition.

(Code 1985, § 3-67.6; Ord. No. 3570, 10-22-1998; Ord. No. 5750-2017 , 1-4-2018)

Sec. 4-115. Sales to minors prohibited; posting of signs.

- (a) It shall be unlawful to sell, serve or dispense alcoholic beverages of low or high alcoholic content to any person under 21 years of age.
- (b) If there is any doubt as to whether a person is 21 years of age, the owner, proprietor or bartender of the establishment involved shall require reputable evidence, including witnesses, if necessary, to establish the fact that such person in question is 21 years of age or older.
- (c) Every business dealing in alcoholic beverages where same are permitted to be sold, served or dispensed shall have a sign displayed in a prominent place, clearly visible to all, stating that no alcoholic beverages of low or high alcoholic content will be sold, served or dispensed to persons under 21 years of age. Such signs shall be not less than two feet long and one foot wide, in prominent letters sharply contrasting in color with the background of the sign.

(Code 1976, § 3-5; Code 1985, § 3-68; Ord. No. 3638, 4-8-1999; Ord. No. 5750-2017 , 1-4-2018)

State law reference(s)—Sale to minors, R.S. 26:90(1), 26:286(1).

Sec. 4-116. View of premises.

No person holding a retail dealer's permit for beverage of high alcoholic content and no agent, associate, employee, representative or servant of the permittee shall fail to keep the licensed premises well lighted and all outside windows and doors open to view from the sidewalk or outside.

(Code 1976, § 3-6(a)(9); Code 1985, § 3-76; Ord. No. 5750-2017 , 1-4-2018)

Sec. 4-117. Games of chance.

No person holding a retail dealer's permit and no agent, associate, employee, representative or servant of the permittee shall permit the conducting of games of chance by patrons, members of the public, employees or agents on the licensed premises, except those games of chance licensed by the state. As used in this section, the term "conducting games of chance" means the intentional conducting or directly assisting in the conducting of, or participating in, any game, contest, lottery, or contrivance of chance whereby a person risks the loss of anything of value in order to realize a profit.

(Code 1976, § 3-6(a)(11); Code 1985, § 3-78; Ord. No. 3641, 4-8-1999; Ord. No. 5750-2017 , 1-4-2018)

Sec. 4-118. Reserved.

Editor's note(s)—Ord. No. 5234, adopted Sept. 20, 2012, repealed § 4-118 in its entirety, which pertained to display of chapter, and derived from Ord. No. 5079, adopted April 21, 2011.