

Chapter 4 - ALCOHOLIC BEVERAGES

ARTICLE I. - IN GENERAL

SEC. 4-2. PENALTY; APPLICABILITY

Any person who violates any provision of this chapter shall, upon conviction, pay a fine of not more than five hundred dollars (\$500.00) or serve up to thirty (30) days in the parish jail or both, at the discretion of the court, and may be subject to any other penalty, including suspension or revocation of license or certificate set forth in this chapter.

(Parish Code 1979, § 4-90; Ord. No. 4563, 10-10-90; Ord. No. 5746, § 3, 3-10-97)

State law references: Penalties for violations of alcoholic beverage ordinances, R.S. 26:493; penalties for violations of statute on the office of alcoholic beverage control, R.S. 26:521.

SEC. 4-3. CLOSING HOURS

(a) It shall be unlawful for any outlet which sells or dispenses alcoholic beverages for on-premises consumption to remain open for business between the hours of 2:00 a.m. and 9:00 a.m. on any day of the week, including, but not limited to, Saturdays and Sundays. Any such outlet shall close at or before 2:00 a.m. on every day of the week, including, but not limited to, Saturdays and Sundays, and shall not reopen for business until 9:00 a.m.

(b) In order to promote the safety and welfare of the citizens of the parish, it shall be unlawful for any person or agent, representative or employee acting on behalf of such person, to sell, donate, serve or dispense liquors and/or alcoholic beverages for on-premises consumption or to allow alcoholic beverages to be consumed on any premises occupied, leased, owned or in any way under the direct or indirect control of such person or any agent, representative or employee acting on behalf of such person, between the hours of 2:00 a.m. and 9:00 a.m. on any day of the week, including, but not limited to Saturdays and Sundays. This section shall apply to all premises except private residences, which are used twenty-four (24) hours a day exclusively as an inhabited dwelling and for no other purpose.

(c) In addition to the penalties provided for in section 4-2, any violation of this section shall be grounds for a suspension or revocation of the license or permit to sell at retail alcoholic beverages in this parish, and the parish government may suspend, or revoke licenses or permits to retail dealers for any violation of the section in accordance with the provisions of R.S. 33:4785 through 33:4788.

(Parish Code 1979, & 4-2: Ord. No. 4493, 5-23-90)

State Law References-Suspension or revocation of permits issued under The Alcoholic Beverage Control Law, R.S. 26:90 et seq.: suspension or revocation of permits of dealers in beverages of low alcoholic content, R.S. 26:286 et seq.: Sunday laws, R.S. 51:191 et seq.

SEC. 4-5. 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.

(Parish Code 1979, § 4-4)

State law references: Retailer without a proper license allowing consumption of alcoholic beverages on or contiguous to premises, R.S. 26:91(6).

SEC. 4-29. DURATION; SUSPENSION; REVOCATION; HEARING; APPEAL

(h) In addition to any penalties that may be imposed as set forth in section 4-2, the following penalties shall be imposed:

(1) On the first violation of any provision of this chapter, any license issued pursuant to this chapter shall be suspended by the administration office for sixty (60) consecutive calendar days.

(2) On the second violation of any provision of this chapter, any license issued pursuant to this chapter shall be revoked by the administration office.

(Parish Code 1979, § 4-64; Ord. No. 5746, § 4, 3-10-97)

SEC. 4-33. OPEN CONTAINERS IN OUTDOOR AREAS PROHIBITED

(a) It shall be unlawful for any person to possess an open container, as defined in section 4-5 herein, on the outside premises of any outlet licensed pursuant to this chapter.

(b) The provisions of this section do not apply to a bona fide patio area or clearly designated outside facility established by the outlet to serve alcoholic beverages. This exception, however, shall not apply to the parking lot, street front or similar areas surrounding an outlet.

(c) The owner of any outlet licensed pursuant to this chapter shall post a sign notifying customers that it is unlawful for any person to possess an open container of alcoholic beverage on the outside premises of the outlet: however, the lack of such a sign shall not exculpate any person found guilty of violating the provisions of this section.

(d) The provisions of this section shall not apply along the route of a parade, which has been permitted pursuant to the provisions of this Code during the times of such parade.

(e) Any person who violates any provision of the section shall, upon conviction, pay a fine of not more than five hundred dollars (\$500.00) or serve up to thirty (30) days in the parish jail, or both, at the discretion of the court.

(Ord. No. 4932, 10-14-92)

SEC. 4-34. NUDITY PROHIBITED

(a) It shall be unlawful for any person to perform as a nude or partially nude dancer or to otherwise appear in a nude or partially nude condition in or on the outlet, premise or building of an establishment or place of business: (1) engaged in the business of wholesaling, retailing, or dealing in alcoholic beverages: or (2) wherein alcoholic beverages are handled as that term (handle) is defined in R.S. 26:241.

(b) It shall be unlawful for any person required to hold an alcoholic beverage license or certificate pursuant to this chapter to allow nude or partially nude dancing or to otherwise allow anyone to appear in a nude or partially nude condition in or on the outlet, premises or building of any establishment or place of business: (1) engaged in the business of wholesaling, retailing or dealing in alcoholic beverages; or (2) wherein alcoholic beverages are handled as that term (handle) is defined in R.S. 26:241.

(c) Any violation of this section shall be subject to the penalties outlined in sections 4-2, 4-29 (H) of this chapter.

(Ord. No 5746, & 5,3-10-97)

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ARTICLE III.-CERTIFICATE OF QUALIFICATION TO DISPENSE

SEC 4-51. REQUIRED

Except as otherwise provided in this chapter, no individual shall sell or dispense alcoholic beverages in any outlet for on-premises consumption without obtaining a certificate from the office of the parish government designated for such purpose by the parish president.

SEC. 4-52. NEW EMPLOYEE SHALL OBTAIN, WHEN

New employees hired to sell or dispense alcoholic beverages for on-premises consumption shall secure a certificate of qualification pursuant to the provisions of this article within five (5) days of their employment.

SEC. 4-53. PERSONS NOT REQUIRED TO HAVE CERTIFICATE

If an individual is the holder of a license issued pursuant to the provisions of this chapter which authorizes the sale of alcoholic beverages at an outlet, he may sell or dispense them at that outlet without obtaining the certificate required by the provisions of this article.

SEC. 4-59. DISPLAY

Any individual who sells or dispenses alcoholic beverages in a licensed outlet for on-premises consumption shall have the certificate of qualification in their immediate possession at all times while employed and engaged in the selling or dispensing of alcoholic beverages and shall display it upon demand of any officer or agent of the state commissioner of alcoholic beverage control or any police officer of the state, parish, or city.

SEC. 4-60. EMPLOYING PERSON WHO DOES NOT OBTAIN CERTIFICATE

No person holding a license to sell alcoholic beverages for on-premises consumption, and no agent, associate, employee or representative of any such holder of a license shall employ or retain any individual who has failed or refused to obtain a certificate of qualification as required by this article.

SEC. 4-61. GROUND FOR REVOCATION

A certificate required by the provisions of this article shall be subject to revocation:

- (1) For any violation by its holder of any of the provisions of this article; or
- (2) If the holder no longer possesses the qualifications required for him to be issued such certificate.

(Parish Code 1979, § 4-28)

State Law reference— Grounds for revocation of employment certificates for minors, R.S. 23:191.