

1 CITY OF ST. GEORGE

2  
3 BY COUNCILMEMBER MONACHELLO:

4  
5 PROPOSED ORDINANCE NO. 2024-\_\_\_\_\_

6  
7 AN ORDINANCE TO ENACT CHAPTER 11, TITLE 1 OF THE  
8 CODE OF ORDINANCES RELATIVE TO ALCOHOLIC  
9 BEVERAGE CONTROL BOARD AND TO PROVIDE FOR  
10 RELATED MATTERS

11  
12 WHEREAS, the City of St. George desires to establish an Alcoholic Beverage Control  
13 Board to regulate the sale of alcohol beverages and to provide for related matters.

14  
15 BE IT ORDAINED by the St. George City Council, State of Louisiana, Chapter 11 of Title  
16 1 is enacted as follows:

17  
18 **Section 1. Enactment**

19  
20 **Title 1. CITY ORGANIZATION**  
21 **CHAPTER 11. ALCOHOLIC BEVERAGE CONTROL BOARD**

22  
23 **Sec. 1:1101. Created; members; officers.**

- 24  
25 (a) There is hereby created an Alcoholic Beverage Control Board (“ABC Board”) for the City  
26 of St. George to be composed of nine members appointed by the Council, who shall serve  
27 four-year terms concurrent with the Council.  
28  
29 (b) The ABC Board, at its first meeting of the calendar year shall elect a chairman to serve one  
30 year. The chairman shall be eligible for re-election.  
31  
32 (c) The ABC Board shall have the control and exclusive local jurisdiction for the regulation of  
33 all premises licensed or permitted under Title 26 of this Code, relative to alcoholic beverage  
34 regulations. The ABC Board shall have the authority to do all acts necessary, useful, and  
35 lawful to diligently discharge its duties, in the regulation of all premises and persons  
36 licensed under Title 26 of this Code, and to enforce Title 26 of the Louisiana Revised  
37 Statutes and all rules and regulations promulgated by the City of St. George’s ABC Board.  
38 The specific powers of the ABC Board include but are not limited to:  
39  
40 (1) The authority to issue, decline the issuance of, to revoke, or suspend all permits or  
41 licenses issued under Title 26 of this Code, as it deems necessary subject only to  
42 compliance with specific provisions of this Chapter and subject only to review by the  
43 court of proper jurisdiction.  
44  
45 (2) The ABC Board shall be authorized to warn a permit holder or licensee in lieu of  
46 denying, revoking, or suspending any permit except as provided in Section 26:607 of  
47 this Code, relative to mandatory suspensions for selling to minors.

- 1  
2 (3) The ABC Board may adopt for its internal governance bylaws, regulations, rules and  
3 modes of procedure for the administration of this Chapter and Title 26 of the Code.  
4  
5 (4) The ABC Board may appoint a director and may appoint or employ such legal counsel,  
6 investigators, special agents, or field representatives as prescribed by the Council and  
7 may compensate such personnel under conditions and terms prescribed by the Council.  
8 The director and the special agents appointed by the director shall be commissioned  
9 law enforcement officers, P.O.S.T. certified, and shall be responsible for general law  
10 enforcement of both state and local laws with authority to make arrests, issue citations,  
11 testify in court, and carry a weapon.  
12  
13 (5) The ABC Board shall have the authority to assess costs of proceedings against  
14 applicants, permit holders, or licensees found by the ABC Board to have violated this  
15 Chapter, Title 26 of this Code, or La. R.S. Title 26.  
16  
17 (6) The director shall have the power to issue subpoenas to any person to require the  
18 person, subject or entity subpoenaed to physically appear or to produce documents,  
19 records, invoices, receipts, contracts, agreements, employment records and  
20 information, and any financial information or record which pertains to the subject of  
21 any complaint, hearing or proceeding of the ABC Board. Any objection to the issuance  
22 of a subpoena may be raised at the time of its issuance, either before the ABC Board or  
23 in a court of proper jurisdiction.  
24  
25 (7) It shall be unlawful for any person to fail to obey any subpoena compelling attendance  
26 or the production of documents. The ABC Board or director may obtain a court order  
27 to enforce compliance with its subpoena process.  
28  
29 (d) Administrative nature of the ABC Board:  
30  
31 (1) All proceedings and hearings by the ABC Board shall be conducted by the chairman in  
32 accordance with any applicable laws, bylaws, regulations, or rules. All actions taken  
33 by the ABC Board shall be in the form of a motion, seconded, and approved by a simple  
34 majority of the quorum present when the motion is made. All hearings of the ABC  
35 Board shall be public hearings unless otherwise requested by those charged with  
36 violations of this Chapter, Title 26 of this Code, or La. R.S. Title 26. A recording of all  
37 proceedings shall be made and maintained by the director for a period of three years  
38 plus the current year from the date of the proceedings.  
39  
40 (2) All motions to deny, revoke, or suspend a permit held by a permit holder shall not pass  
41 and no action shall be taken unless a majority of the ABC Board present finds as a fact  
42 and by a preponderance of the evidence received at a hearing upon a complaint that a  
43 specific ground for the denial, revocation or suspension occurred.  
44  
45 (3) Actions of the ABC Board must be taken only upon evidence in the record of the  
46 proceeding.

- 1  
2 (4) Conviction by any court of a violation of this Chapter, Title 26 of this Code, or any  
3 state law is not a condition precedent to any action taken by the ABC Board. Evidence  
4 of such a conviction and an acquittal is admissible but not binding upon the ABC  
5 Board.  
6  
7 (5) Upon the passage of a motion by the ABC Board to deny, revoke, or suspend a permit  
8 or license, the ground for the denial, revocation, or suspension shall be communicated  
9 to the applicant or permit holder.  
10  
11 (6) Written notice of the denial, revocation, or suspension shall be sent to the applicant,  
12 licensee, permit holder or its agent or employee; and such notice shall be sent to the  
13 address of his employment or designated in his permit or license application. The notice  
14 of the action by the ABC Board shall be mailed within 15 calendar days of the action.  
15  
16 (7) Upon a finding by a majority of the ABC Board present that a cause for denial,  
17 revocation, or suspension exists but where a majority of the ABC Board determine the  
18 violation is of a minor nature or there are extenuating or mitigating circumstances, the  
19 ABC Board may issue a warning to the applicant, licensee, permit holder, agent or  
20 employee.  
21

22 **Sec. 1:1102. Procedure, quorum and powers of director.**  
23

- 24 (a) The ABC Board shall hold regular meetings monthly at a definite time and place designated  
25 by the ABC Board. Such other meetings may be called and held as may be deemed  
26 necessary for the transaction of business in the manner provided in the rules of procedure.  
27 A majority of the members of the ABC Board shall constitute a quorum, and no business  
28 shall be transacted by the ABC Board unless a quorum is present. No permit or license  
29 shall be issued by the ABC Board except where the applicant therefor demonstrates  
30 compliance with all statutory and other legal requirements and receives the affirmative vote  
31 of a majority of the members present at the meeting.  
32  
33 (b) The director of the Alcoholic Beverage Control Office shall have authority to inspect or  
34 have inspected any premises licensed under Title 26 of this Code by agents or  
35 representatives of the Alcoholic Beverage Control Office, the Department of Public Works,  
36 the Sheriff's office, the Parish Health Unit, or the Office of the District Attorney.  
37 Investigators established under this office shall have investigative powers and may seek  
38 commissions as peace officers from law enforcement agencies to enforce the provisions of  
39 this Chapter, Title 26 of this Code and state law.  
40  
41 (c) Any person who observes a violation of this Chapter, of Title 26 of this Code, or of state  
42 law which occurs in any premises licensed under Title 26 of this Code may report the  
43 violation to the director and file a complaint against the permit holder, licensee, or his agent  
44 or employee. The director may file complaints based upon violations observed by others if  
45 the other person supplies the director with an affidavit stating the violation, date, place of  
46 violation, and identity of any violator if known.  
47

- 1 (1) If the director accepts the complaint and summons the applicant, permit holder, or  
2 licensee and any of his agents or employees, the director shall require the complainant  
3 to file an affidavit stating the violation, date, place and the identity of any violator if  
4 known.  
5
- 6 (2) Upon acceptance of the complaint and receipt of the affidavit, the director shall issue a  
7 subpoena, as herein prescribed, to the applicant, permit holder, licensee, and his agent  
8 or employee, who is charged with the violation. The notice may have attached a  
9 subpoena which shall require him to appear along with any documents or records  
10 requested, at a specific date, time, and place. The notice of complaint shall state the  
11 alleged violation, the date and place it occurred, and the identity of the person who  
12 committed the violation if known. The notice of complaint shall require the subject to  
13 appear to show cause why his application should not be denied, his permit or license  
14 suspended or revoked.  
15
- 16 (3) All subpoenas and notices of complaints shall be sent by the director by certified mail  
17 or hand-delivered to the applicant, permit holder, licensee, or his agent or employee at  
18 the address of his place of business or place of employment on the application for the  
19 permit or license.  
20
- 21 (4) Nothing in this Chapter shall be construed to prevent the director from having any  
22 subpoena or notice of complaint served by any legal means or by any of its  
23 representatives.  
24

25 **Sec. 1:1103. Penalty power.**  
26

27 In addition to any causes enumerated in Title 26 of this Code, the ABC Board and ABC  
28 Office shall have the authority to deny, revoke, or suspend any permit or license or levy any fine  
29 for any one of the following causes or when any of the following conditions is found to occur:  
30

- 31 (1) *Lack of qualifications.* If any applicant or any of the persons who must possess the same  
32 qualifications fail to possess or maintain the qualifications required in La. R.S. 26:80 or  
33 in Title 26 of this Code.  
34
- 35 (2) *Misrepresentation.* If there was a misstatement or suppression of fact in the information  
36 required to be given by the applicant, under this part, in applying for his license or permit.  
37
- 38 (3) *Interposed persons.* If the permit was issued to any person who is an interposed person  
39 for the owner or proprietor of a business.  
40
- 41 (4) *Business associations.* If the permit was granted to any person who is or has been  
42 engaged in an alcoholic beverage business with a person whose application for a permit  
43 or license has been revoked or suspended by the ABC Board or the Louisiana Alcohol  
44 and Tobacco Control Commission.  
45
- 46 (5) *Acts prohibited on premises.* If the ABC Board finds that any of the following acts  
47 occurred on the premises when such act was committed by the applicant, permit holder,

1 licensee, or any of his agents or employees:  
2

- 3 a. Violation of this Chapter or any ordinance of the City of St. George regulating the  
4 sale, distribution, or processing of any alcoholic beverage or which regulates  
5 premises licensed by the City of St. George to sell, distribute, or process any  
6 alcoholic beverage;
- 7 b. Permit or allow any act which violates Title 26 of the Louisiana Revised Statutes;
- 8 c. Failure to acquire and maintain a valid health permit for any premises licensed under  
9 Title 26 of this Code;
- 10 d. Permit or allow any act which fails to comply with requirements or orders by local  
11 and state authorities to remedy or eliminate fire, plumbing or electrical code  
12 violations;
- 13 e. Failure to timely pay sales taxes or occupational license taxes to the City of St.  
14 George;
- 15 f. Permit or allow any act which violates any local ordinance or state statute pertaining  
16 to gambling on premises, letting premises for gambling, possession of gambling  
17 paraphernalia, or conspiracy to violate any of these, distribution of or possession of  
18 with intent to distribute any substance controlled by Title 14 or Title 40 of Louisiana  
19 Revised Statutes;
- 20 g. Permit or allow any act which violates any local ordinance or state statute which  
21 pertains to prostitution, indecent exposure, obscenity, contributing to the  
22 delinquency of juveniles, pandering, soliciting for prostitution, letting premises for  
23 prostitution, or conspiracy to violate any of these.

24  
25 (6) *Consumption on premises.* If, without a proper license, a retailer allows any person to  
26 consume any alcoholic beverage on the licensed premises or on any parking lot.  
27

28 (7) *Violations by certain persons.* If any dealer or any person listed in La. R.S. 26:80(B)  
29 violates or has violated any provision of that statute.  
30

31 (8) *Revocation or suspension of low alcoholic content permit.* Revocation or suspension of  
32 any license or permit for beverages of low alcoholic content automatically suspends or  
33 revokes, as the case may be, any permit held by the same individual for beverages of  
34 high alcoholic content.  
35

36 (9) *Violation by licensee, agent, or employee.* Violation of, or failure to comply with this  
37 Chapter or Title 26 of this Code by any person licensed under Title 26 of this Code, or  
38 by the licensee's manager, agent, or employee.  
39

40 (10) *Operation adverse to public health, safety, or morals.* If, based upon specific facts in the  
41 record which can reasonably be anticipated to have an adverse effect on the public health,  
42 safety, or morals, the ABC Board and/or ABC Office finds the opening or continued  
43 operation of the establishment or activity will have an adverse effect on the public health,  
44 safety or morals. By "public" is meant not just the immediate area surrounding the  
45 licensed premises to be licensed but may also mean the City of St. George as a whole.  
46

- 1 a. All of the above grounds for denial, revocation, suspension or fine are hereby  
2 deemed to be severable and independent of any other grounds; and the illegality,  
3 invalidity or ineffectiveness of one shall not in any way affect the others.  
4
- 5 b. All findings of violations by the ABC Board shall be valid and independent and in  
6 no way related to any criminal prosecution. There is no requirement that conduct  
7 which could be criminally prosecuted under this Chapter be so prosecuted before  
8 any action can be taken by the ABC Board.  
9

10 (11) *Notification of the police.* Failure of the licensee, permit holder, or the designated  
11 manager in the absence of the licensee or permit holder to immediately notify the police  
12 of any disturbance, fistic encounter or similar incident occurring on the licensed property  
13 or violation of any criminal statute or ordinance occurring on the licensed property of  
14 which the owner, manager or person in charge had knowledge of or which he should  
15 have known.  
16

17 (12) *Distribution to intoxicated persons or persons under the influence of drugs.* Sell, serve,  
18 or dispense in any manner any alcoholic beverages covered by this Chapter to any person  
19 whose actions, mannerisms, and general conduct would reasonably indicate the person  
20 is intoxicated or under the influence of drugs.  
21

22 **Sec. 1:1104. Appeals.**  
23

24 Any applicant, permit holder, or licensee, or his agent, or employee, who is aggrieved by a  
25 decision of the ABC Board shall have the right to appeal the decision. All appeals from decisions  
26 of the ABC Board shall be to the Nineteenth Judicial District Court and shall be devolutive appeals.  
27 Any appeal to the district court shall be taken within ten days of receipt of written notice provided  
28 for in Section 1:1101 of this Chapter. The court shall determine the appeal in a summary manner.  
29 The decision of the ABC Board shall be final unless timely appealed in the manner set forth herein.  
30

31 **Section 2. Effective Date**  
32

33 This Ordinance shall be effective upon publication.  
34  
35

1 This Ordinance having been submitted to a vote, the vote thereon was  
2  
3 For:  
4 Against:  
5 Absent:  
6 Abstained/Recused:  
7  
8 Adopted this \_\_\_\_ day of \_\_\_\_\_, 2024.  
9  
10 Signed this \_\_\_\_ day of \_\_\_\_\_, 2024.  
11  
12 Delivered to Mayor on the \_\_\_\_ day of \_\_\_\_\_, 2024:  
13  
14  
15 \_\_\_\_\_  
16 Lorraine Beaman, City Clerk  
17  
18 Approved:  
19  
20 \_\_\_\_\_  
21 Dustin Yates, Mayor  
22  
23 Received from Mayor on the \_\_\_\_ day of \_\_\_\_\_, 2024:  
24  
25  
26 \_\_\_\_\_  
27 Lorraine Beaman, City Clerk  
28  
29 Adopted Ordinance published in *The Advocate* on the \_\_\_\_ day of \_\_\_\_\_, 2024.  
30