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**CITY OF ST. GEORGE**

BY COUNCIL MEMBER MONACHELLO:

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

AN ORDINANCE TO ENACT TITLE 26 OF THE CODE OF  
ORDINANCES RELATIVE TO ALCOHOLIC BEVERAGES  
AND TO PROVIDE FOR RELATED MATTERS

WHEREAS, the Council for the City of St. George desires to regulate alcoholic beverages in the City by defining qualified beverages and businesses and establishing: license and permit requirements, qualifications for license and permittees, application, administrative, and enforcement procedures, and fee schedules and to provide for related matters.

BE IT ORDAINED by the St. George City Council, State of Louisiana Title 26, Chapters 1 through 6 are hereby enacted as follows:

**Section 1. Enactment**

**Title 26. ALCOHOLIC BEVERAGES  
CHAPTER 1. GENERAL PROVISIONS**

**Sec. 26:101. Licenses required for businesses and employees.**

- (a) **Licenses required.** No person, firm, entity, or association of persons shall engage in any business or employment described in Chapter 2 of this Title or this Section without obtaining the necessary licenses and permits, including all state and local permits.
- (b) **Qualifying beverages and businesses.** Any person, firm, entity or association of persons who, as a business or as a means of employment, manufactures, blends, rectifies, distills, processes, imports, stores, allows for consumption, uses, handles, holds, sells, offers for sale, solicits orders for the sale of, distributes, delivers, serves or transports any beer, porter, ale, fruit juices, wine, or spirituous beverages of an alcoholic content not exceeding that now or hereafter permitted by law, but greater than ½ of 1% of alcohol by volume, or, any malt, vinous, spirituous, alcoholic or intoxicating liquors containing more than 6 % of alcohol by volume, within the City of St. George, shall be deemed a retail dealer, or wholesale dealer, or a classified employee or classified delivery agent or third party for all purposes of this Title. All such persons must hold all applicable local and state permits, pursuant to Title 26 of the Revised Statutes and this Title.

1 **Sec. 26:102. Definitions.**  
2

3 **Alcoholic beverages.** The term "alcoholic beverage" means any qualifying beverage as set  
4 forth in Section 26:101(b).  
5

6 **ABC.** The term "ABC" as used in this Title, shall mean Alcoholic Beverage Control, and  
7 shall apply to the Alcoholic Beverage Control Board for the City of St. George, as defined in  
8 Chapter 11, Title 1 of this Code, the Office of Alcoholic Beverage Control for the City of St.  
9 George, its director, and staff.  
10

11 **Classified employees.** The term "classified employees", as used in this Title, means any  
12 person employed or used in a class A, B or R licensed retail business or a licensed limousine  
13 service who, as a function of their duties, dispenses, sells, delivers or serves any alcoholic  
14 beverages as described in subsection 26:101(b). Classified employees shall include, but not be  
15 restricted to mean waiters and waitresses, bartenders, waiters, waitresses, cocktail waiters, cocktail  
16 waiter staff, managers, disc jockeys, doormen or bouncers, fashion models, and chauffeurs  
17 employed by a licensed limousine service except that this definition shall not apply to a person  
18 holding a retail dealer's license, or to a person holding a waiter/waitress alcoholic beverage permit  
19 as described in this Title.  
20

21 **Closed.** The term "closed," as used in this Title shall mean the entire licensed building shall  
22 be locked, that all lights shall be out, and that no one shall be inside of said premises and that no  
23 dispensing or consumption of any alcoholic beverages shall take place on the subject property.  
24

25 **Delivery.** The term "delivery" means a delivery of an alcoholic beverage in a container sealed  
26 by the manufacturer of the alcoholic beverage by a liquor retailer permitted pursuant to this Title  
27 or by a retailer permitted to sell alcoholic beverages for off-premise consumption and their  
28 employees, 1099 contractors, or independent contractors. Delivery shall be permitted only in those  
29 areas where the sale of alcoholic beverages are permitted. The permit for delivery by a retailer  
30 pursuant to this Title shall not extend past the boundaries of the City of St. George. Prior to  
31 delivering alcoholic beverages, a retailer shall give notice to and receive permission from the ABC  
32 Office, subject to rules promulgated by the director as authorized by this Title.  
33

34 **Exotic dancer.** The term "exotic dancer" is hereby defined as follows: any performer hired  
35 or used to dance, gyrate, twist or do any other physical performance on the floor, tables, stage or  
36 other contrivance in a sexually suggestive or provocative manner on the premises of any private  
37 or public property, whether said performer is paid a salary or receives compensation by way of  
38 gratuities by customers or a commission.  
39

40 **Electronic means.** The term "electronic means" is defined as internet-enabled technology and  
41 digital media, including but not limited to websites and consumer applications accessible through  
42 smart phones and other mobile devices.  
43

44 **Employee.** The term "employee" means a W-2 employee of a liquor retailer permitted  
45 pursuant to this Title or a W-2 employee of a retailer permitted to sell alcoholic beverages for off-

1 premise consumption. It shall not include 1099 contractors or independent contractors hired by a  
2 liquor retailer.

3  
4 **Fashion models.** Fashion models mean any person who models, demonstrates, or in any way  
5 displays clothing or wearing apparel of any kind in return for anything of value

6  
7 **Liquor.** The term "liquor" means all distilled or rectified alcoholic spirits, brandy, whiskey,  
8 rum, gin, and all similar distilled alcoholic beverages, including all dilutions and mixtures of one  
9 or more of the foregoing, such as liquors, cordials, and similar compounds.

10  
11 **Liquor retailer.** The term "liquor retailer" means any liquor dealer, other than a manufacturer  
12 or wholesaler, who sells, offers for sale, exposes for sale, or has in his possession for sale or  
13 distribution any alcoholic beverages in any quantity.

14  
15 **Manufacturer.** The term "manufacturer" means any person, other than a wine producer, who  
16 personally or through any agent whatever engages in the making, blending, rectifying, or  
17 processing of any alcoholic beverage in Louisiana; engages in the making, blending, rectifying, or  
18 processing of any alcoholic beverage outside Louisiana for sale in Louisiana; or engages in the  
19 business of supplying alcoholic beverages to licensed wholesale dealers in Louisiana. A  
20 manufacturer who engages in the making, blending, rectifying, or processing of any alcoholic  
21 beverage in a facility entirely located in the Louisiana may sell or serve only those products that  
22 are made, blended, rectified, or processed at that facility to the public only at that facility for  
23 consumption on or off the premises but not for resale. The total amount of such sales to the public  
24 for any given month shall not exceed one case per person for each thirty-day period. Any  
25 manufacturer who sells its products to the public pursuant to this paragraph shall remit all state  
26 and municipal sales and excise taxes to the proper tax collecting authority for all products sold to  
27 the public.

28  
29 **New business.** The term "new business" means a location and/or applicant which does not  
30 have a current, valid, alcohol license, or which has not had a valid alcohol license within the last  
31 six months, or which has or had a current, valid, alcohol license within the last six months but  
32 which has not been open for business in the last six months.

33  
34 **Ongoing business.** The term "ongoing business" means a location and/or applicant which has  
35 a valid, current alcohol license, or which had a valid, current alcohol license within the last six  
36 months, and which has been open for business in the last six months.

37  
38 **Open container.** The term "open container," as used in this Title, shall include, but not be  
39 restricted to mean any vessel or container of alcoholic beverages which if opened in any manner  
40 would permit the contents to be consumed or poured or any container upon which the seal has been  
41 broken and the contents exposed to the air. "Open container" shall be any container not sealed. It  
42 shall be unlawful to furnish open containers to patrons for the intent and purpose of removal and  
43 consumption of alcoholic beverages and liquors, including beer, off the licensed premises and/or  
44 leased premises.

45



- 1  
2 (d) **Class A (liquor caterer).** Permits the retail dealer to sell any malt, vinous, spirituous,  
3 alcoholic or intoxicating liquors containing more than 6% percent alcohol by volume as  
4 described in subsection 26:101(b) of this Title for consumption off of the license premises  
5 at catered functions  
6  
7 (e) **Class A (delivery).** Permits a class A holder to enter into an agreement with a third party  
8 to deliver beer and wine, as defined in this Title. The third party and the class A holder  
9 must meet all the requirements set forth in this chapter [and] any applicable provisions set  
10 for this Title.  
11

12 **Sec. 26:202. Class B License.**  
13

- 14 (a) **Class B (beer).** Permits the retail dealer to sell any beer, porter, ale, fruit juices or wine  
15 containing not more than 6% percent alcohol by volume as described in subsection  
16 26:101(b) of this Title only for use or consumption off the licensed property.  
17  
18 (b) **Class B (liquor).** Permits the retail dealer to sell any malt, vinous, spirituous, alcoholic or  
19 intoxicating liquors containing more than 6% percent alcohol by volume as described in  
20 subsection 26:101(b) of this Title only for use or consumption off the licensed property.  
21  
22 (c) **Class B (liquor with sale of mixed frozen specialty beverages).** If a class B permittee  
23 wants to sell mixed frozen specialty beverages, it must meet all of the following:  
24  
25 (1) Does not offer to sell, sell, or otherwise distribute motor fuel at the licensed  
26 establishment.  
27  
28 (2) Sells alcoholic beverages, including frozen specialty beverages, in closed containers  
29 prepared for transportation and consumption off the premises only.  
30  
31 (3) Has a public habitable floor area of no less than 1,000 square feet.  
32  
33 (4) Does not allow any person under the age of 18 to enter, visit, or loiter in or about the  
34 licensed establishment.  
35  
36 (5) Does not employ any person under the age of 18.  
37  
38 (6) Does not allow the consumption of any alcoholic beverage for any purpose or reason  
39 on or about the licensed establishment unless and except as otherwise provided for in  
40 this Title.  
41  
42 (7) Does not permit the mixing of alcoholic beverages or the sale and/or service of mixed  
43 alcoholic beverages on the premises of the licensed establishment; however, the mixing  
44 of frozen specialty beverages may be permitted according to rules and regulations  
45 promulgated under La. R.S. 26:71.2(B).  
46

1 **Sec. 26:203. Class C License.**

- 2
- 3 (a) **Class C (beer).** Wholesale dealer, who is defined as any dealer who sells beer, porter, ale,  
4 fruit juices or wine containing not more than 6% alcohol by volume as described in  
5 subsection 26:101(b) of this Title, at wholesale.
- 6
- 7 (b) **Class C (liquor).** Permits the wholesale dealer, who is defined as any dealer who sells any  
8 malt, vinous, spirituous, alcoholic or intoxicating liquors containing more than 6% alcohol  
9 by volume as described in subsection 26:101(b).

10

11 **Sec. 26:204. Permits for Delivery of Alcoholic Beverages.**

12

13 (a) **Class B (Off-premise deliveries).**

14

15 Notwithstanding any law to the contrary, any liquor retailer permitted pursuant to this Title  
16 or any retailer permitted to sell alcoholic beverages for off-premise consumption may deliver,  
17 either on the licensed premises itself or at a residential or commercial address designated by the  
18 consumer, products lawfully sold to and purchased by such consumer, provided that:

- 19
- 20 (1) The liquor retailer possesses a class B permit as defined in this Title or possesses a  
21 permit that allows the retailer to sell alcoholic beverages for off-premise consumption.
- 22
- 23 (2) The liquor retailer or an employee of the liquor retailer processes at the class B  
24 premises or at the premise permitted to sell alcoholic beverages for off-premise  
25 consumption all payments initiated by a consumer that is transacting the purchase with  
26 the liquor retailer.
- 27
- 28 (3) The class B liquor retailer or a retailer permitted to sell alcoholic beverages for off-  
29 premise consumption, or an employee of such retailer, assembles, packages, and  
30 fulfills each order at the permitted premises where the order was processed using  
31 inventory located at that premises that was purchased from a permitted wholesale  
32 dealer.
- 33
- 34 (4) Deliveries to consumers are made only by the class B liquor retailer or a retailer  
35 permitted to sell alcoholic beverages for off-premise consumption, or an employee of  
36 such retailer, and only to consumers at a residential or commercial address in this city.
- 37
- 38 (5) The alcoholic beverages delivered are for personal consumption, not intended for  
39 resale, and are in a container sealed by the manufacturer of the alcoholic beverage.  
40 The delivery of an "open container" as defined in this Title is prohibited.
- 41
- 42 (6) Delivery of alcoholic beverages is permitted only in those areas where the retail sale  
43 of alcoholic beverages is permitted. Delivery shall be prohibited in any area where it  
44 is prohibited by the City of St. George. The delivery radius of a retailer's permit under  
45 this Title shall not extend past the boundaries of the city.
- 46

- 1 (7) Alcoholic beverages are not delivered to an address on a campus of any state college,  
2 university, or technical college or institute, any independent college or university, or  
3 any elementary or secondary school located in this city.  
4
- 5 (8) Delivery is permitted only during the hours that the authorized retailer's permitted  
6 establishment is open to the public.  
7
- 8 (9) At the time of delivery, the class B liquor retailer or a retailer permitted to sell  
9 alcoholic beverages for off-premise consumption, or an employee of such retailer,  
10 verifies that the recipient of the alcoholic beverage or beverages is not visibly  
11 intoxicated.  
12
- 13 (10) At the time of delivery, the class B liquor retailer or a retailer permitted to sell  
14 alcoholic beverages for off-premise consumption, or an employee of such retailer,  
15 verifies the identity and age of the person accepting delivery of the order by validating  
16 a state-issued photo identification of the person or through use of a real-time age  
17 verification system authorized by the ABC Director. Additionally, a signature of the  
18 person receiving the delivery acknowledging receipt of the delivery and verifying their  
19 age shall be obtained.  
20
- 21 (11) The retail dealer keeps a record of all deliveries of alcoholic beverages and retains  
22 such records for two years from the date of the delivery. The retail dealer shall make  
23 such records available to the ABC Director of the office of alcohol beverage and  
24 control upon request for the purpose of investigating and enforcing the provisions of  
25 this subsection. The record of each delivery shall include:  
26
- 27 (i) The retail dealer's name, address, and permit number.
  - 28 (ii) The name of the person who placed the order and the date, time, and method of  
29 the order.
  - 30 (iii) The name of the employee making the delivery and the date, time, and address  
31 of the delivery.
  - 32 (iv) The type, brand, and quantity of each alcoholic beverage delivered.
  - 33 (v) The name, date of birth, and signature of the person who received the delivery.  
34
- 35 (12) All employees of the retailer who make deliveries must obtain and maintain all  
36 necessary permits under this Title.  
37

38 (b) **Class A restaurant (delivery).**  
39

- 40 (1) A class A restaurant delivery permit shall be issued only to a "restaurant establishment"  
41 or dinner theatre as defined by this Title and issued to a facility in conjunction with a  
42 class A restaurant permit under the provisions of this Title. This permit allows a class  
43 A restaurant who has entered into a written agreement with a third party for the delivery  
44 of beer and wine and if the third party and the written agreement meet all the  
45 requirements set forth in this Title and any provisions set forth in this section.  
46

1 (2) Class R1. In addition to the authority to contract with a third party as provided in this  
2 Title, a permit may be issued to a class A restaurant enabling the delivery of restaurant  
3 prepared food and alcohol with its own employees, 1099 contractors, or independent  
4 contractors. A class A restaurant under this permit is subject to all provision of this  
5 Title.  
6

7 (c) **Third-party delivery company permit.**  
8

9 For purposes of this subsection only, a third-party delivery company shall be defined as a  
10 third-party delivery service that is licensed to do business in the city, permitted with the office of  
11 Alcohol Beverage Control, and uses their own employees or agents for which the third party  
12 delivery company is required to file an Internal Revenue Service Form W-2 or 1099 for delivery.  
13 For all other alcohol delivery provisions of this Title, third party shall be the definition provided  
14 in this Title. Delivery permit only applies to a third-party delivery company. All other variations  
15 of the delivery permits are applicable as to each other class permit section.  
16

17 (1) Notwithstanding any provision of law to the contrary, a retail dealer possessing a  
18 valid class A general, a class A restaurant, or class B permit as provided in this Title  
19 may enter into a written agreement with a third-party delivery company or a third  
20 party platform for the use of an internet or mobile application or similar technology  
21 platform to facilitate the sale of alcoholic beverages for delivery to consumers for  
22 personal consumption within the City of St. George and the third party delivery  
23 company or the third party platform may deliver alcoholic beverages to the consumer.  
24

25 (2) An alcoholic beverage delivery agreement between a retail dealer and a third party  
26 shall require all of the following:  
27

28 (a) Only alcoholic beverages purchased from a wholesale dealer licensed  
29 pursuant to this Title are offered for delivery.  
30

31 (b) Only alcoholic beverages of low alcoholic content, beer and wine as defined  
32 herein are offered for delivery.  
33

34 (c) The alcoholic beverages delivered are for personal consumption, not  
35 intended for resale, and are in a container sealed by the manufacturer of the  
36 alcoholic beverage. The delivery of an "open container" as defined in this  
37 Title is prohibited.  
38

39 (d) Alcoholic beverages are delivered only on the days and during the hours  
40 the retail dealer is authorized to sell or serve alcoholic beverages.  
41

42 (e) Alcoholic beverages are delivered only in those areas where the sale of  
43 alcoholic beverages is permitted. Delivery of alcoholic beverages in an area  
44 where the sale of alcoholic beverages has been prohibited by a referendum  
45 vote is prohibited.  
46



1 (f) No alcoholic beverages shall be delivered to a state college, university, or  
2 technical college or institute or an independent college or university located in  
3 the City of St. George.  
4

5 (g) No alcoholic beverages shall be delivered to any public playground or building  
6 used primarily as a church, synagogue, public library, or school.  
7

8 (h) No alcoholic beverages shall be delivered more than ten miles from the place  
9 of purchase.  
10

11 (i) All orders for the delivery of alcoholic beverages shall also contain food.  
12

13 (j) The alcoholic beverages of all deliveries which are refused by a third party shall  
14 be returned to the place of purchase.  
15

16 (k) Alcoholic beverages are delivered only by a person that meets all of the  
17 following requirements:  
18

19 (i) The person is 18 years of age or older.  
20

21 (ii) The person is an employee for which the third party shall be required to  
22 file an Internal Revenue Service Form W-2.  
23

24 (iii) The person possesses a valid server permit as provided in this Title.  
25

26 (l) The retail dealer shall manage and control the sale of alcoholic beverages  
27 including but not be limited to all of the following:  
28

29 (i) Determining the alcoholic beverages to be offered for sale through a  
30 third party's internet or mobile application platform or similar  
31 technology.  
32

33 (ii) Determining the price at which alcoholic beverages are offered for sale  
34 or sold through a third party's internet or mobile application platform or  
35 similar technology.  
36

37 (iii) Accepting or rejecting all orders placed for alcoholic beverages through  
38 a third party's internet or mobile application platform or similar  
39 technology.  
40

41 (iv) Collecting and remitting all applicable state and local taxes.  
42

43 (3) A retail dealer shall enter into an alcoholic beverage delivery agreement with a third party  
44 only when the third party meets all of the following requirements:  
45

46 (a) The third party is properly registered and authorized to conduct business

1 in Louisiana.

2  
3 (b) The third party holds a valid Louisiana alcoholic beverage permit issued  
4 pursuant to this Title.

5  
6 (c) The third-party delivery service shall maintain a general liability  
7 insurance policy with a liquor liability endorsement in an amount no less  
8 than one million dollars (\$1,000,000.00) per occurrence for the duration  
9 of the agreement with the retail dealer and shall provide proof of coverage  
10 to the retail dealer.

11  
12 (d) The third party is able to monitor the routes of its employees during  
13 deliveries.

14  
15 (e) The third party conducts an interview and a background check of all  
16 persons that will deliver alcoholic beverages.

17  
18 (4) A retail dealer may pay a third party a fee for its services and a third party may charge a  
19 reasonable delivery fee for orders delivered by the third party. A third party may act as an  
20 agent of a retail dealer in the collection of payments from the sale of alcoholic beverages,  
21 but the full amount of each order must be handled in a manner that gives the retail dealer  
22 control over the ultimate receipt of the payment from the consumer.

23  
24 (5) The third party may receive orders and accept payment via the internet or through a  
25 mobile application or similar technology under the following conditions:

26  
27 (a) At the time of delivery of alcoholic beverages, the third party's delivery agent shall  
28 obtain the recipient's signature and verify the age of the recipient through the use  
29 of an electronic age verification device that shall be approved by the ABC Director.  
30 Such device shall be capable of all of the following:

31  
32 (i) Verifying proof of age through technology of a magnetic card  
33 reader or an alternative technology capable of verifying proof of  
34 age.

35  
36 (ii) Reading a valid state-issued driver's license, a valid state issued  
37 identification card, a valid military identification card, or a valid  
38 passport.

39  
40 (iii) Storing the recipient's name, age, date of birth, the expiration  
41 date of the identification, and the date and time that the  
42 identification was scanned.

43  
44 (b) The third party's delivery agent shall refuse delivery and return the alcoholic  
45 beverages to the place of purchase if:  
46

- (1) The recipient does not produce a valid and current form of identification as provided in La. R.S. 26:286(A)(1) and this Title.
- (2) The recipient is intoxicated.
- (3) There is reason to doubt the authenticity or correctness of the recipient's identification.
- (4) The recipient refuses to sign for the receipt of the delivery.

(c) A third-party delivery agent who delivers alcoholic beverages but fails to comply with the provisions of subsections 2. and 3. of this subsection and administrative rules promulgated pursuant to this subsection, shall be vicariously liable for damages incurred as a result of the failure to comply.

(6) A record of each delivery of alcoholic beverages shall be retained for three years from the date of delivery and made available to the ABC Director upon request for the purpose of investigating and enforcing the provisions of this title. The record of each delivery shall include:

- (a) The retail dealer's name, address, and permit number.
- (b) The name of the person who placed the order and the date, time, and method of the order.
- (c) The name of the delivery agent and the date, time, and address of the delivery.
- (d) The type, brand, and quantity of each alcoholic beverage delivered.
- (e) The name, date of birth, and signature of the person who received the delivery.

**Sec. 26:205. Ancillary growler permit.**

- (a) **Definition.** A "growler" shall mean a refillable rigid glass or aluminum container that is no larger than two liters 0.5283 gallons into which beer is prefilled, filled, or refilled for off-premises consumption applies to:
- (1) The growler bears a twist-type closure and includes a one-time use tamper-proof seal; and
  - (2) The growler is affixed with a label or tag that contains the following information:
    - (a) The brand name of the product dispensed;
    - (b) The name of the brewer;
    - (c) The name and address of the business that cleaned, sanitized, labeled, and filled or refilled the growler;
    - (d) The date the growler was filled or refilled;
    - (e) The following statement: "This product may be unfiltered and unpasteurized. Keep refrigerated at all times;" and
    - (f) An alcoholic beverage health warning statement as required by the Federal Alcohol Administration Act, 27 CFR 16.20 through 16.22.
- (b) **Requirements.** Prior to refilling a growler, the growler shall be cleaned and sanitized by the licensee or licensee's employee in the following manner:
- (1) Manual washing in a three-compartment sink;

- 1 (2) Prior to starting, clean sinks and work area to remove any chemicals, oils or grease  
2 from other cleaning activities;
- 3 (3) Empty residual liquid from the growler to a drain. Growlers shall not be emptied into  
4 the cleaning water;
- 5 (4) Clean the growler and cap in water and detergent. Water temperature shall be at a  
6 minimum 110 degrees Fahrenheit. Detergent shall not be fat or oil based;
- 7 (5) Remove any residues on the interior and exterior of the growler;
- 8 (6) Rinse the growler and cap in the middle compartment with water. Rinsing may be from  
9 the spigot with a spray arm, from a spigot or from the tub as long as the water for  
10 rinsing shall not be stagnant but shall be continually refreshed;
- 11 (7) Sanitize the growler in the third compartment. Chemical sanitizer shall be used in  
12 accordance with the EPA-registered label use instructions and shall meet the minimum  
13 water temperature requirements of that chemical;
- 14 (8) Secure a new one-time use tamper-proof seal.

15  
16 **(c) Transferring beer to a growler with a tube.**

- 17  
18 (1) Beer may be transferred to growlers from the bottom of the growler to the top with a  
19 tube that is attached to the malt beverage faucet and extends to the bottom of the  
20 growler;
- 21 (2) A container of liquid food grade sanitizer shall be maintained for no more than ten  
22 tubes that will be used for filling and refilling growlers;
- 23 (3) Food grade sanitizer shall be used in accordance with the EPA-registered label use  
24 instructions;
- 25 (4) After each beer transfer to a growler, the tube shall be immersed in the container with  
26 the liquid food grade sanitizer; and different tube from the container shall be used for  
27 each fill or refill of a growler.

28  
29 **Sec. 26:206. Manufacturers, Microbreweries, and Microdistilleries Licenses.**

- 30  
31 **(a) Manufacturers License.** Distiller, brewer, or other producer of qualifying beverages as  
32 specified in section 26:101(b) of this Title shall be required to have a class M license to  
33 distill, brew, or otherwise produce alcoholic beverages, in conformity with any applicable  
34 state or federal regulations. Each applicant for a class M (manufacturer's) license shall  
35 meet the same qualifications as a class A, B, or C licensee, as set forth in this section.  
36 (1) A class M licensee intending to operate a tasting room or other on-premises  
37 consumption facility or service point must also apply for and receive a class A (on-  
38 premises consumption license) appropriate to the type of qualifying beverage to be  
39 dispensed.  
40 (2) A class M licensee intending to sell its products to visitors or others for off-premises  
41 consumption must also apply for and receive a class B (off-premises consumption  
42 license) appropriate to the type of qualifying beverage to be dispensed.  
43 (3) Class M licensees which also operate as a class A licensee (on-premises consumption),  
44 class B licensee (off-premises consumption), or both, must comply with all regulations  
45 applicable to the secondary license, including but not limited to closing hours (section  
46 26:408), licensed servers and employees (section 26:209), notice of intent to apply for

1 license (section 26:402), application requirements (section 26:403), building and  
2 zoning requirements (section 26:404), and renewals (section 26:405), as generally  
3 applicable or as may be specified for class M licensees in those sections.  
4

5 (b) **Microbrewery License.** A Microbrewery license authorizes the making, blending,  
6 rectifying, or other processing of beer or other malt beverages for the retail sale in an  
7 amount not to exceed twelve thousand five hundred (12,500) barrels per year; also permits  
8 the retail dealer to sell beer, porter, ale, fruit juice, wine, malt beverages, vinous, spirituous,  
9 alcoholic, or intoxicating liquor for consumption on the licensed premises; also permits the  
10 retail dealer to sell any beer, porter, ale, fruit juice, wine, malt beverages, vinous,  
11 spirituous, alcoholic, or intoxicating liquor for consumption off the licensed premises; and  
12 further allows the retail dealer to operate a place of business whose purpose is to prepare  
13 meals to the general public for consumption on premises subject to the following conditions  
14 and restrictions:

- 15 (1) Each applicant for a microbrewery license shall meet the requirements set forth in this  
16 Title for a class A, B, or C applicant.
- 17 (2) The provisions of this subsection shall not authorize the holder of a microbrewery  
18 license to sell the manufactured beverages at wholesale or to a wholesale dealer or  
19 manufacturer.
- 20 (3) The holder of a microbrewery license shall not sell any alcoholic beverages for  
21 transportation off the premises to any other licensed alcoholic beverage retail dealer.  
22

23 (c) **Microdistillery License.** A microdistillery license authorizes the distilling, making,  
24 blending, rectifying, or processing of any alcoholic beverage for retail sale in quantities of  
25 not more than 12,000 gallons per year on any premises; also permits the retail dealer to sell  
26 beer, porter, ale, fruit juice, wine, malt beverages, vinous, spirituous, alcoholic, or  
27 intoxicating liquor for consumption on the licensed premises; also permits the retail dealer  
28 to sell any beer, porter, ale, fruit juice, wine, malt beverages, vinous, spirituous, alcoholic,  
29 or intoxicating liquor for consumption off the licensed premises; and further allows the  
30 retail dealer to operate a place of business whose purpose is to prepare meals to the general  
31 public for consumption on premises subject to the following conditions and restrictions:

- 32 (1) Each applicant for a microdistillery license shall meet the requirements set forth in this  
33 Title for a class A, B, or C applicant.
- 34 (2) The provisions of this subsection shall not authorize the holder of a microdistillery  
35 license to sell the manufactured beverages at wholesale or to a wholesale dealer or  
36 manufacturer.
- 37 (3) The holder of a microdistillery license shall not sell any alcoholic beverages for  
38 transportation off the premises to any other licensed alcoholic beverage retail dealer.
- 39 (4) Prior to commencing distilling operations, holder of a microdistillery license shall  
40 obtain approval from the state fire marshal  
41  
42  
43  
44  
45  
46

1 **Sec. 26:207. Class B On-site sampling license.**  
2

3 On-site sampling for the purposes of allowing a customer to taste a brand of wine, beer, or  
4 liquor may be conducted at any time on any premises holding a class B (liquor) license issued  
5 pursuant to this title subject to the following conditions and restrictions:  
6

- 7 (1) On-site samples shall be offered to customers free of charge and only in accordance with  
8 the restrictions set forth herein.  
9
- 10 (2) Samples shall be provided in portions no greater than two (2) ounces per serving. Only one  
11 serving per brand shall be provided to a customer on any given day. If a brand contains  
12 23% percent or more of alcoholic content, then the sample portion shall be no greater than  
13 one-half (½) of one (1) ounce per customer on any given day.  
14
- 15 (3) A retail dealer, wholesaler, manufacturer and/or supplier may furnish the wine, beer, or  
16 liquor to be sampled and the containers used to hold such wine, beer, or liquor in connection  
17 with the sampling subject to state and/or federal laws, rules and/or regulations.  
18
- 19 (4) No person under the age of 18 shall be allowed in the area of a class B (liquor)  
20 establishment that offers wine sampling pursuant to this section at any time unless  
21 accompanied by a parent, legal guardian or spouse 21 or older.  
22
- 23 (5) All persons serving on-site samples pursuant to this section shall have the appropriate valid  
24 and current retail license.  
25
- 26 (6) Any retail dealer holding a class B (liquor) license, who meets the qualifications set forth  
27 in this section, and desires to conduct on-site wine sampling in accordance with this section  
28 shall so designate its intent to conduct such sampling on its original application for a class  
29 B (liquor) license or shall amend its application to reflect its intent to conduct such  
30 sampling. No retail dealer shall conduct sampling pursuant to this section unless and until  
31 it has received prior written authorization from the office of alcoholic beverage control.  
32

33 **Sec. 26:208. Restaurant Licenses.**  
34

35 **Class R license (restaurant).** Each applicant for a class R (restaurant) license shall, in  
36 addition to holding a class A beer and/or liquor license, meet the following criteria:

- 37 (1) Must operate a place of business whose primary purpose is to prepare meals to the  
38 general public for consumption on premises.  
39 (2) Must serve food on all days of operation.  
40 (3) Must file a copy of the applicant's menu together with the application, both new and  
41 renewal.  
42 (4) Must furnish an affidavit from the local health department showing compliance with all  
43 applicable health and sanitary requirements with new applications.  
44 (5) Must gross 51% percent of their monthly revenue from the sale of food, food items and  
45 nonalcoholic beverages.  
46 (6) Must maintain separate sales figures for alcoholic beverages.

- 1 (7) All applications for class R licenses, whether new or renewal, shall be in writing, sworn  
2 to in front of a notary public, and shall contain the full name of the applicant along with  
3 a complete description and correct address of the premises in which the restaurant is  
4 located.
- 5 (8) Operate a restaurant by having a fully equipped kitchen facility and dining room manned  
6 and operated at all times that alcoholic beverages are sold.
- 7 (9) The class R licenses shall be subject to revocation by the ABC Board at any time  
8 following a hearing as provided for all other licenses and/or permits issued under this  
9 Title and a determination that the licensee fails to meet the criteria set forth in this Title.
- 10 (10) No children under the age of 18 are allowed in the bar area of a restaurant whether seated  
11 at the bar or at tables within the bar area. Children under the age of 18 are also not  
12 allowed to play games within the bar area. The only exception is children passing  
13 through the bar area in order to access other accommodations of the restaurant.
- 14 (11) For new businesses without prior business experience on which to base a determination  
15 of percentage of food, etc., sales to alcoholic beverages, a temporary permit may be  
16 issued by the Director of ABC Board for 60 days after which time evidence of all sales,  
17 as may be deemed necessary by the ABC Board, will be required to make the license  
18 permanent.

19  
20 **Sec. 26:209. Classified employee, waiter/ waitress, and retail clerk license.**

21  
22 **Classified employees.** Classified employees are required to be licensed as either a waiter/  
23 waitress, retail clerk, or classified employee, based upon their primary functions and as defined in  
24 section 26:102.

25  
26 **Sec. 26:210. Public Recreational Facility**

27  
28 Each applicant for a class P (public recreational facility) license shall meet the following  
29 criteria:

- 30 (1) Applicant must have a place of business located within a publicly owned  
31 recreational facility (park, golf course, zoo, art gallery, or museum).
- 32 (2) Applicant must demonstrate a serving and consumption area separated from any  
33 areas frequented by unsupervised children and minors, except for restaurant-style serving areas  
34 with a kitchen facility and dining room manned and operated at all times that alcoholic  
35 beverages are sold.
- 36 (3) Applicant must use employees or caterers licensed under this Title for serving and  
37 sales of qualifying beverages.

38  
39 **Sec. 26:211. Special and temporary business or organizational permits.**

- 40  
41 (a) Restaurant After Hours Permit (R.A.H. permit). Restaurants which have obtained a class  
42 R restaurant license or meet and maintain the requirements set forth in subsection 26:208(a)  
43 of this Title may remain open for the sale of food and food items only, after applying for  
44 and receiving on an annual basis an additional restaurant after hours permit. However, no  
45 sale, dispensing or consumption of alcoholic beverages shall be allowed or permitted  
46 anywhere on the licensed premises during the prohibited periods set forth above. During

1 the prohibited periods, no open containers or sealed containers containing alcoholic  
2 beverages shall be allowed anywhere on the licensed premises or property except in a  
3 locked cabinet, locked closet, locked storage room or locked separate room. Businesses  
4 who maintain rooms used as lounges or bars which are separate from the restaurant section,  
5 must lock those separate rooms during the prohibited period. Proof of the finding of any  
6 open container holding alcoholic beverages at any other place in the licensed premises  
7 during the prohibited periods shall result in a presumption that some of the contents of the  
8 container are consumed on the licensed premises on the date found and during the  
9 prohibited period; and shall further result in a presumption that the contents of the container  
10 were sold by the license/permit holder, his manager, agent, servant or employee on the date  
11 found.  
12

13 (b) **After Hours Work Permit.** A licensee may obtain from the ABC office an annual after  
14 hours work permit, which allows the licensee to hire such persons as necessary to be in or  
15 on the licensed premises, between 2:30 a.m. and 6:00 a.m. Monday through Saturday for  
16 the sole purpose of cleaning the premises, provided that no sale, dispensing or consumption  
17 of alcoholic beverages shall be permitted upon the licensed premises during the above  
18 hours. Authorization of the above shall be issued upon written application by the licensee  
19 to the ABC office. The after hours work permit shall be posted and available for inspection  
20 by any law enforcement officer or ABC agent. This permit shall have the names of those  
21 clean-up persons listed on the face of the permit and only those persons listed on the permit  
22 shall be allowed on the premises during those hours. Any changes, erasures, or alterations  
23 to the permit made by any person other than those authorized by the ABC office shall  
24 constitute a violation of this Title and subject the licensee to fines and/or suspensions of  
25 this permit at a hearing before the ABC Board in the same manner as provided for all other  
26 permits or licenses issued. The application shall contain the names of the persons to be in  
27 or on the premises to be cleaned after hours. This permit shall be updated by written request  
28 when new personnel are employed by the licensee.  
29

30 (c) **Sunday clean-up, inventory and minor maintenance.** The permit holder and/or manager  
31 of record with the ABC office, employees of the permittee, also on record with the office,  
32 may be in or upon the licensed premises on Sunday between the hours of 2:30 a.m. and  
33 11:00 a.m., only, for the sole purpose of taking inventory, cleaning up and doing minor  
34 maintenance; however, no sale, dispensing or consumption of alcoholic beverages shall be  
35 permitted except as may be provided for under this Title.  
36

37 (d) **Removal of band equipment.** The permit holder, band members, and manager of the  
38 permittee may be in or upon the licensed premises between 2:30 a.m. and 3:00 a.m. for the  
39 sole purpose of removing all band equipment, after the bar is closed at 2:30 a.m. to the  
40 general public and all customers are off the licensed premises. This section shall in no way  
41 be construed to modify or extend section 26:408 in general, which prohibits the sale,  
42 serving or dispensing of alcoholic beverages after 2:00 a.m. and requires that all customers  
43 must be off the licensed premises by 2:30 a.m. and prohibits any consumption of alcoholic  
44 beverages after 2:30 a.m.  
45  
46



1  
2 (e) **Temporary permit—Existing businesses.** Any person, firm, entity or association of  
3 persons acquiring an existing retail or wholesale business licensed to sell alcoholic  
4 beverages under the provisions of this Title, as an owner or lessee may be permitted by the  
5 ABC Office to operate on a temporary basis until the ABC Board approves or denies the  
6 application, as set forth above. In the case of a retail business, such an applicant shall be  
7 required to post a sign, at the applicant's cost, in a place on the premises designated by the  
8 ABC Office or its representative as is required of applicants for new places of business.  
9 The provisions of this paragraph shall apply to businesses which have been licensed during  
10 the current year or the year immediately preceding the current year. Temporary permit may  
11 be pulled by the Director of ABC for any violation of any city, state or federal law. A  
12 temporary permit is deemed null and void absent proof of receipt of a state permit within  
13 35 days of issuance of the temporary permit.  
14

15 (f) **Temporary permit—New businesses.** Any person, firm, entity or association of persons  
16 applying for a new license to sell alcoholic beverages under the provisions of this Title, as  
17 owner or lessee, may be permitted by the staff of the ABC Office, in cases where all other  
18 provisions of this Title are complied with, to operate on a temporary basis until the ABC  
19 Board approves or denies a permanent license or permit, at its next scheduled meeting. The  
20 failure of the ABC Board to approve a permanent license or permit at the next scheduled  
21 meeting of the ABC Board shall constitute an automatic revocation of the temporary  
22 permit. A temporary permit may be revoked by the Director of the ABC Board for any  
23 violation of any city, state or federal law. A temporary permit is deemed null and void  
24 absent proof of receipt of a state permit within 35 days of issuance of the temporary permit.  
25

26 (g) **Three-day temporary permit for non-profit organizations.**  
27

28 (1) **Non-profit organizations.** There shall be issued by the ABC Office a three-day temporary  
29 beer and/or liquor permit to charitable organizations, religious organizations, non-profit  
30 organizations and fraternal organizations for the purpose of serving beer and/or liquor at  
31 non-profit fairs held by these organizations. The religious, charitable, non-profit and  
32 fraternal organizations, which are non-profit organizations in nature, must be classified as  
33 such by all taxing authorities. The application for a three-day permit must be accompanied  
34 by:

- 35 (a) A copy of the charter of the organization, club or facility;  
36 (b) A current, accurate membership roster showing full names of members and their  
37 current resident address with only those members of legal age being authorized to  
38 dispense alcohol for the length of the permit without obtaining a bartender's license;  
39 (c) Certification by the duly elected officers of the organization that said organization  
40 is certified as a non-profit organization by all taxing authorities and list such authorities.  
41

42 (2) **Certification by building official required.** The application must accompany a permit  
43 granted by the building official in accordance with Title 9, Title 1, part VII (carnivals, street  
44 fairs, circuses, etc.), sections 9:401 through 9:407 of this Code. A certification from the  
45 building official must indicate that all of the requirements to have a fair are in accordance  
46 with the ordinance governing carnivals, street fairs, circuses, and similar events. Those

1 organizations qualified above in subsection (a) that own or lease private property where a  
2 fair is to be held must provide a general description of the property in lieu of obtaining  
3 certification from the building official.  
4

5 (3) **Hours of operation.** Such three-day beer and/or liquor permit shall be for three  
6 consecutive days only, beginning at the time designated by the ABC Office and ending at  
7 the time designated by the ABC Office, at which time such beer and/or liquor permit shall  
8 expire. This permit under this subsection is not for the purpose of serving alcohol beyond  
9 the closing hours as provided in the wine, beer and liquor ordinances for the city.  
10

11 (4) **Location requirements.** This three-day beer and/or liquor permit shall be for the purpose  
12 of serving beer within the designated boundaries of the fair as provided to the building  
13 official. This section shall be an exception to the provisions requiring licensed premises  
14 under the wine, beer and liquor ordinances for the city.  
15

16 (a) **Special event permit.** A special event permit may be issued to any licensed  
17 premises by the ABC Office with the approval of the council member in whose  
18 district said special event is to be held. In the absence of the council member and  
19 in cases where expediency is necessary, the ABC Director or his designee may  
20 approve the special event permit. No more than 12 special event permits shall be  
21 issued to any location in any given year. The applicant shall specify the duration of  
22 the event, which is a minimum of one day and a maximum of three consecutive  
23 days, per event. Each permit issued shall represent a single event of one to three  
24 days, the fee shall be calculated per day, per event, by type(s) of liquor to be served,  
25 and shall apply to each permit issued. The permit shall be issued to the premises  
26 defined in the application. The ABC Office shall not issue any special event permit  
27 to any applicant for said permit if such applicant is delinquent in the payment of  
28 any tax, license or fee to the city. The provisions of this section shall not apply to  
29 those religious, charitable, non-profit and/or described in subsection 26:211(g).  
30

31 (b) **On-site tasting permit.** On-site sampling for the purposes of allowing a  
32 customer to taste a brand of wine, beer, or liquor shall not be conducted on any  
33 premises unless licensed under section 26:207 of this Title or unless such on-site  
34 sampling is conducted in accordance with the following conditions and restrictions:  
35

36 (1) Any retail dealer holding a class B (liquor) permit may apply to the Office  
37 of ABC for an on-site tasting permit pursuant to this subsection at least one week  
38 prior to the proposed date of the sampling setting forth the date, time, location, and  
39 brand(s) of wine to be sampled.

40 (2) A retail dealer, wholesaler, manufacturer and/or supplier may furnish the  
41 wine, beer, or liquor to be sampled and the containers used to hold such samples in  
42 connection with the sampling subject to state and/or federal laws, rules and/or  
43 regulations.

44 (3) All samplings conducted pursuant to this subsection shall be limited in  
45 duration to one day and no more than two on-site tasting permits shall be issued for  
46 any licensed premises each month.

1 (4) All persons serving pursuant to an on-site tasting permit issued in  
2 accordance with this subsection shall have the appropriate valid and current retail  
3 license.

4 (5) On-site sampling conducted pursuant to an on-site tasting permit issued  
5 pursuant to this subsection shall be restricted to within a fifteen-foot radius of the area  
6 of the licensed premises where most of a retail dealer's inventory is normally and  
7 routinely stocked, merchandised, and/or marketed.

8 (6) No person under the age of 18 shall be allowed in the area of a class B  
9 (liquor) establishment that offers tastings pursuant to this subsection at any time unless  
10 accompanied by a parent, legal guardian or spouse 21 or older.

11  
12 **Sec. 26:212. Organizations and businesses exempted from license requirements.**

13  
14 (a) **Community centers.** The provisions of this Title shall not apply to publicly owned and/or  
15 operated community centers for the purposes of receptions, parties, and other events held  
16 at the community center and only under the following circumstances:

17 (1) No sales of alcoholic beverages shall take place at such facilities.

18 (2) Alcohol shall be allowed at the receptions, parties, and other events served by a  
19 caterer licensed under the provisions of this Title. Any caterer serving alcohol at a  
20 community center will sign a contract wherein it will indemnify the city for any  
21 incidents that arise from the service of alcohol at the event.

22 (3) No alcohol shall be served during regular working hours of the facilities.

23  
24 (b) **Art instruction studios.** The provisions of this Title shall not apply to businesses whose  
25 primary purpose is art instruction and only provided that no sales of alcoholic beverages  
26 shall take place at such facilities and no alcoholic beverages shall be furnished or handled  
27 by the staff of the business.

28  
29 (c) **Hair and nail salons.** The provisions of this Title shall not apply to businesses whose  
30 primary purpose is hair or nail services and only provided that no sales of alcoholic  
31 beverages shall take place at such facilities. Customers are only allowed two  
32 complimentary alcoholic beverages per visit. Any person serving will need to be permitted.

33  
34 **CHAPTER 3. QUALIFICATIONS**

35  
36 **Sec. 26:301. Qualifications for applicants and businesses.**

37  
38 Each applicant or business shall meet the following requirements:

39 (1) Is a person of good character, reputation and over 18 years of age.

40 (2) Is the owner of the premises or has a bona fide notarized written lease.

41 (3) Has not been convicted of a felony under the laws of the United States, the State of  
42 Louisiana, or any other state or country, unless the applicant has been pardoned, or, if  
43 the applicant is a firm, association, partnership, trust, domestic or foreign entity, or  
44 other legal entity, the applicant has terminated its relationship with the person or  
45 persons whose action directly contributed to the applicant's conviction. A conviction  
46 or plea of guilty or nolo contendere by the applicant shall not constitute an automatic

- 1           disqualification of the applicant if the felony for which the applicant was convicted is  
2           not a crime of violence as defined in R.S. 14:2(B) and ten years or more have elapsed  
3           between the date of application and the successful completion of any sentence, deferred  
4           adjudication, or period of probation or parole and the final discharge of the defendant.
- 5           (4) Has not been adjudged by a ABC Board or convicted by a court in this or in any other  
6           state or by the United States or any other country of soliciting for prostitution,  
7           gambling, letting of premises for gambling, contributing to the delinquency of  
8           juveniles, keeping a disorderly place, or illegally distributing or intent thereof in  
9           controlled dangerous substances as defined in Louisiana Revised Statutes.
- 10          (5) Has not had any authorized license or permit connected with alcoholic beverages  
11          revoked within two years prior to the application.
- 12          (6) Has not been convicted or had a judgment of court rendered against him involving the  
13          sale or service of alcoholic beverages, by this political subdivision, or this or any other  
14          state, or by the United States, for two years prior to the application.
- 15          (7) Has not been adjudged by any ABC Board or convicted by a court of violating any  
16          provisions of Title 26 of the Revised Statutes.
- 17          (8) Has not had any certificate, permit or license to dispense alcoholic beverages as  
18          described anywhere in this Title, issued by any other parish, municipality, or state,  
19          suspended or revoked, or had the application denied. If the applicant has been so  
20          adjudged, the granting of any certificate, permit or license or of a renewal is within the  
21          discretion of the ABC Board.
- 22          (9) Is not the spouse of a person whose application has been denied or whose permit has  
23          been revoked, unless judicially separated or divorced; provided that in such cases the  
24          age of the ineligible spouse shall be immaterial.
- 25          (10) Does not owe the City of St. George any delinquent sales taxes, penalties, or interest,  
26          excluding items under formal appeal pursuant to applicable statutes.
- 27          (11) If the applicant is a partnership recognized by Louisiana law, or anyone in such  
28          partnership with or financed by another, all members of such partnership, or all the  
29          persons furnishing the money shall also possess the qualifications required of an  
30          applicant. The application shall name all partners or financial backers and furnish their  
31          social security numbers and proper addresses. If a partner of a partnership applying for  
32          retail or manufacturer's permits is a entity or limited liability company, the  
33          requirements as to citizenship and residence shall not apply to officers, directors, and  
34          stockholders of the entity or members of the limited liability company. The entity or  
35          limited liability company shall either be organized under the laws of the State of  
36          Louisiana or qualified to do business within the State of Louisiana.
- 37          (12) If the applicant is a entity or a limited liability company, all officers and directors and  
38          all stockholders or members owning in the aggregate more than 5% of the stock or of  
39          the membership interest in a limited liability company and the person or persons who  
40          shall conduct or manage the business shall possess the qualifications required of an  
41          applicant and shall furnish their federal identification number, their social security  
42          number, and their correct home address. The requirements as to citizenship and  
43          residence do not apply to either the officers, directors, or stockholders of entities, or  
44          the officers, managers, or members of limited liability companies. The entity or limited  
45          liability company shall be either organized under the laws of the State of Louisiana or  
46          qualified to do business within the State of Louisiana.

1 (13) That granting of an application in no way contradicts the purpose and intent of any  
2 provision of this Title.

3 (14) If the applicant, or any other person required to have the same qualifications, does not  
4 possess the required qualifications, the permit will be denied.  
5

6 **Sec. 26:302. Qualifications for classified employees, retail clerks and waiter/waitresses.**  
7

8 Each applicant for a permit as a classified employee, retail clerk and/or waiter/waitress  
9 shall meet the requirements as listed in subsection 26:301, except the two-year residency  
10 requirement and the requirements of both national and state citizenship as required under  
11 subsection 26:301(2), provided that any person not a citizen of the United States shall be the holder  
12 of a properly issued passport and current visa. If the above applicant has been adjudged by the  
13 ABC Board or convicted by a court in any matter stated in section 26:301 of this Title, the granting  
14 of any permit or of a renewal is within the discretion of the ABC Board.  
15

16 **Sec. 26:303. Licensee required to sign statement acknowledging laws concerning sales to**  
17 **minors.**  
18

19 Any person, firm, entity or association of persons applying for a license to sell, dispense  
20 or deliver alcoholic beverages, or applying to renew an existing license to sell, dispense or deliver  
21 alcoholic beverages, shall be required to sign a statement acknowledging that said applicant is fully  
22 cognizant of the laws pertaining to the sale, dispensing or delivering of alcoholic beverages to  
23 minors. Such signed statement shall be executed prior to the issuance or reissuance of any license.  
24

25 **CHAPTER 4. APPLICATION**  
26

27 **Sec. 26:401. General provisions.**  
28

29 (a) **Posting of public notices required.** Every license/permit holder under this Title shall,  
30 upon receipt of, post any public notices, as may be required by the ABC Office, in the  
31 licensed premises in a place conspicuous, in full public view, subject to inspection.  
32

33 (b) **Licenses and permits required to be posted.** All licenses and permits shall be displayed  
34 on the premises and it shall be the responsibility of the owner and/or manager of a licensed  
35 business to have available for inspection, all permits of classified employees and retail  
36 clerks upon commencement and for the duration of their employment.  
37

38 (c) **Licenses non-transferable.** Separate permits and licenses shall be required for each place  
39 of business operated by a retail or wholesale dealer. All permits and licenses issued herein  
40 shall be personal and non-transferable. If the business is sold or transferred during the  
41 period for which the permit or license was issued, the new owner or operator must apply  
42 and pay for a new permit and license in the manner and under the conditions set forth in  
43 subsections 26:402(c) and (e).  
44

45 (d) **Notification to council members.** The ABC Office, for the purpose of keeping each  
46 council member advised of alcoholic beverage activity within their respective districts,

1 shall promptly notify the appropriate council member of any action taken or to be taken  
2 within their district. Such notification shall include, but not be limited to notices of intent  
3 to apply for a license, granting of licenses, hearings for denial, suspension or revocation  
4 and the results thereof, changes of ownership or transfer of a license to another premises  
5 and any other actions taken or to be taken by the ABC Board that may be of interest to the  
6 council as a whole or any individual member.  
7

8 (e) **Change of location.** A retail dealer, or wholesale dealer, shall conduct his business only  
9 in the licensed premises, and no permit issued hereunder shall authorize the conducting of  
10 business in any changed location.  
11

12 (f) **Temporary zoning waiver.** In cases where an applicant seeks to sell alcoholic beverages  
13 at a location where such sale is conditioned on the property being rezoned, the  
14 Council shall have the authority to grant a temporary waiver of the zoning restriction  
15 allowing the sale of alcoholic beverages for a period not to exceed 90 days or until the  
16 property is rezoned, whichever is less.  
17

18 **Sec. 26:402. Notice of intent to apply for business license, issuance of business licenses,**  
19 **criteria for issuance.**  
20

21 (a) **Notice of intent and public notice requirements.**

22 (1) Notice of intent. As a prerequisite to the filing of an application for permits for new  
23 business hereunder, the applicant must file a notice of intent for a fee to apply for a  
24 permit. This notice of intent shall be submitted to the ABC Office, disclosing the  
25 proposed location of the establishment. An assigned agent will go to the proposed site  
26 whereupon the agent will determine if said site meets location requirements as provided  
27 in this Title. Upon approval of the site, notice shall issue as set forth in this section.  
28

29 (2) Notice requirements.

30 (a) On approval of the site, the ABC staff shall set a proposed initial hearing date for  
31 review of the report and determination of suitability of the proposed application.

32 (b) On approval of the site, an agent shall post a sign at the proposed location. Said  
33 sign shall be printed on orange, 18 x 24 inch paper, as utilized by the planning  
34 commission, and shall be horizontally oriented to maximize visibility to the public.  
35 Said sign shall remain visible in the designated location at all times for a period of  
36 30 consecutive days.

37 (c) Signs shall be posted at the service point for any class P applicant and at the main  
38 entrance from each parking lot at the facility to be licensed.

39 (d) For any delivery applicant, notice shall be posted on the applicant's website for a  
40 period of 30 consecutive days and in the official journal of the City of St. George  
41 for three days.

42 (3) Official report. After the 30-day notification period, ABC staff shall complete and  
43 deliver to the ABC Board an official report for all new businesses that will be used  
44 primarily for the purpose of determining the risk of local overconcentration of liquor  
45 outlets. Utilizing the most recent data available from the U.S. Census Bureau, East  
46 Baton Rouge Parish Sheriff's Office, planning commission, and other relevant  
agencies, this preliminary report shall include, but not be limited to, the following

1 information on the area within a one-mile (5,280-foot) radius of the proposed location,  
2 to include census blocks within that radius where necessary:

3 (a) Average household income (to include percentage of home ownership where data  
4 is available).

5 (b) Family structure (percentage of single-parent households, percentage of population  
6 consisting of males between the ages of 15 and 24 years).

7 (c) Population density (overall population of the specified area).

8 (d) Crime statistics by type of crime and frequency for the preceding twelve-month  
9 period.

10 (e) Statistics regarding comparative frequency of communicable diseases, including  
11 but not limited to sexually transmitted diseases and HIV infection, for the specified  
12 area as compared with the parish and state as a whole.

13 (f) Number of liquor licenses in the vicinity by type of license.

14 (g) Total number of liquor licenses in vicinity and number of ABC violations at those  
15 licensed locations in the past 12 months.

16 (h) Business plan of proposed licensee.

17 (i) For the purposes of determining overconcentration of liquor outlets, no single factor  
18 listed herein is controlling. All relevant factors, as determined by the ABC Board,  
19 must be considered in determining whether to allow an application to proceed. Such  
20 factors may include, but not be limited to, the following:

21 (1) Risk of undue congestion of streets and traffic access;

22 (2) Land or building usage which is, or may become incompatible with existing  
23 character or usage of the neighborhood;

24 (3) An overconcentration of types of land use or zoning in proportion to  
25 population, land use and public facilities in the neighborhood;

26 (4) Affect the reliance that neighboring property owners or occupants have  
27 placed upon existing zoning patterns;

28 (5) Creation of a spot zone, that is, an incompatible or unrelated classification  
29 which would prevent the normal maintenance and enjoyment of adjacent  
30 properties; and

31 (6) Any other concern that would affect the public health, safety or morals.

32 (4) Official report for class P applicants. After the 30 day notification period, ABC staff  
33 shall complete and deliver to the ABC Board an official report for all new class P  
34 locations, set forth in subsection 402(a)(3), except that the area to be analyzed will be  
35 measured as one mile from the actual alcohol service point of the location, and not from  
36 the physical boundaries of the overall recreational facility.

37  
38 (b) **Approval of statement of intent.** After the 30 day notification period, and upon receipt  
39 and review of the official report, the ABC Board may issue a notification to file an  
40 application in accordance with section 26:403. Prior to issuing such notice, the ABC Board  
41 shall, at all times, consider the impact that a new license or liquor outlet would have on the  
42 immediate area surrounding the new outlet, based on facts and information as provided in  
43 the official report, any opposition to the proposed application, any citizen commentary, and  
44 deny the application if the ABC Board finds that the new outlet would cause or contribute  
45 to overconcentration of liquor outlets in the area, or would otherwise adversely affect  
46 public health, safety or morals.

1  
2 (c) **Ongoing businesses.** For ongoing businesses, as defined in section 26:102 of this Title,  
3 after the 30 day notification period, and upon review of facts and information available  
4 from their investigation of the premises, public records, and other reliable information, the  
5 ABC staff may issue notification to file the ongoing business application in accordance  
6 with section 26:404 and Chapter 2 of this Title.

7 (1) Prior to issuing such notice, the staff shall, at all times, consider the impact that a  
8 renewed or new license or liquor outlet would have on the immediate area surrounding  
9 the new outlet, based on facts and information available from their investigation of the  
10 premises, public records, and other reliable information, and refer the application to the  
11 ABC Board for review if the staff finds that the new outlet would cause or contribute  
12 to overconcentration of liquor outlets in the area, or would otherwise adversely affect  
13 public health, safety or morals.

14 (2) The ABC staff may only authorize application by an existing business in cases where  
15 no complaint or petition of opposition has been filed as to the license. Where complaint  
16 or a petition of opposition has been received by the ABC staff, any decision regarding  
17 issuance of a license or permit shall remain with the ABC Board.

18 (3) If the ABC staff permits the application to proceed under these guidelines, the director  
19 of ABC may issue a temporary license to an ongoing business which meets his  
20 reasonable approval based on reliable information, reports, and investigative findings.  
21 A temporary license issued under these guidelines may be revoked, suspended, or  
22 withdrawn by the Director of ABC for any violation of any city, state or federal law,  
23 or on any grounds provided by the Title, which would be grounds for discipline,  
24 warning, revocation, or suspension of a permanent license, or for any good cause shown  
25 by the director. A temporary license is deemed null and void absent proof of receipt of  
26 a state permit within 35 days of issuance of the temporary permit.

27 (4) Issuance of a temporary license under these guidelines in no way indicates that a final,  
28 permanent license will be granted. No applicant has the right of appeal from the  
29 director's discretionary issuance or refusal to issue any temporary license or permit  
30 under this section.

31  
32 (d) **Right of appeal.** If, after reviewing the evidence, an application is denied and the ABC  
33 Board refuses to issue notification to file application, the applicant shall have the right to  
34 take an appeal in accordance with the provisions of section 1:1104 of this Code. The  
35 decision of the ABC Board shall be final unless appealed within the time and manner set  
36 forth above.

37  
38 (e) **Opposition procedure.**

39  
40 (1) If, during the 30 day notification period, complaint or opposition is made, the ABC  
41 Office shall refuse to issue the notification to file application and shall order the  
42 complainant(s) and the applicant to appear before the next scheduled meeting of the  
43 ABC Board, in order for the complainant(s) to show cause why the notification should  
44 not be issued. The burden of proof shall be on the complainant(s) to prove by a  
45 preponderance of evidence justifiable grounds for denying the issuance of a notification  
46 to file application. "Justifiable grounds" include any grounds set forth in Title 26 of the



1 Revised Statutes, or city beer and/or liquor ordinances, Title 26, or any other grounds  
2 which might adversely affect the public health, safety, or morals, including the  
3 information provided in the official report.

- 4 (2) If the ABC Board dismisses the complaint(s), it shall issue the notification to file an  
5 application, and the applicant may proceed in accordance with 26:403.  
6 Notwithstanding the decision of the ABC Board, however, the complainant(s) shall  
7 have the right to file with the ABC Office a sworn formal petition of opposition to  
8 issuance of a permit at any time prior to same being issued, pursuant to Title 26 of the  
9 Revised Statutes. Upon receipt of any such petition, the ABC Office shall immediately  
10 send the permit application and a copy of the petition to the appropriate state office for  
11 review in accordance with Title 26 of the Revised Statutes. No further action will be  
12 taken on the permit application when such a petition is filed until ruled upon by the  
13 Louisiana Office of Alcohol and Tobacco Control. In the event the ABC Board sustains  
14 the complaint(s), it shall refuse to issue the notification to file application, the applicant  
15 shall have the right to take an appeal in accordance with the provisions of section  
16 1:1104 of this Code. The decision of the ABC Board shall be final unless appealed  
17 within the time and manner set forth above.  
18

19 **Sec. 26:403. Application for business licenses, criteria for issuance of business licenses,**  
20 **approval of business licenses.**  
21

- 22 (a) **Criteria.** Upon presentation of a notification to file application issued pursuant to section  
23 26:402, the applicant may file his application for a permit for a new business. All  
24 applications for wholesale or retail permits, whether new or renewal, shall be in writing  
25 and sworn to, and shall contain the full name of the applicant and the accurate description  
26 and correct address of the premises in which the business is to be conducted, which address  
27 shall be considered the proper address for all notices to the applicant or licensee required  
28 by this Title. This application shall be filed in duplicate with the ABC Office and shall be  
29 accompanied by a cashier's check, money order, or credit card in the proper amount and  
30 payable to the City of St. George. Said application shall also be accompanied by the  
31 following:  
32 (1) A list of all persons, firms, entity or associations of persons financially interested in  
33 any way in the business.  
34 (2) A list of all persons, firms, entity or associations of persons endorsing loans or lending  
35 funds to the applicant which in any way will be used in the business.  
36 (3) Each person applying for a retail dealer's permit to sell alcoholic beverages, and any  
37 person financially interested in such business, shall be photographed in accordance  
38 with procedures to be set up by the ABC Office.  
39 (4) Each applicant, at the time of making his application, or as soon thereafter as possible  
40 but prior to opening for business, shall designate some person(s) who will act as  
41 manager(s) and assume responsibility for the proper operation of the business in the  
42 applicant's absence. The applicant shall, at the same time, submit evidence as may be  
43 required by the ABC Office, that such person also possesses all the qualifications  
44 required of the applicant.  
45 (5) In applications where the licensed premises are being or are to be leased, applicant must  
46 show the name and current address of the lessor on the application.

1 (6) Each applicant applying for a retail dealer's permit to sell alcoholic beverages, whether  
2 new or renewal, and any person financially interested in such business, shall complete  
3 and submit the authorization to disclose tax information form provided by the Office  
4 of Alcoholic Beverage Control.  
5

6 (b) **Approval by the ABC Board.** Upon receipt of an application together with supporting  
7 data per section 26:402, the ABC Office shall cause an appropriate investigation of the  
8 application to be completed within 15 days excluding weekends and legal holidays. Said  
9 investigation to be reported to the ABC Board at its first meeting following the 15 day  
10 investigation period. At that meeting, if the applicant has met all the requirements of the  
11 laws of Louisiana and this Title, there is no opposition pending which must be disposed of,  
12 and the ABC Board, considering the information provided in the official report and the  
13 outcome of the final investigation, feels that the issuance of the permit will not be adverse  
14 to the public interest, the ABC Board may authorize issuance of the permit. Public  
15 comments and opposition regarding a proposed permit are expressly permitted at the final  
16 hearing, and all public comments must be taken prior to the ABC Board's final vote on  
17 issuance of the permit. Should the ABC Board deny the permit application, the applicant  
18 has the right to file an appeal in accordance with Section 1:1104 of the Code or the decision  
19 of the ABC Board will be final.  
20

21 **Sec. 26:404. Building, location, zoning, and parking requirements for businesses.**  
22

23 (a) **Building requirements.**

24 (1) Acquire and maintain health permit and comply with all fire, building, plumbing,  
25 electrical, heating, air conditioning and zoning codes. Failure to possess and maintain  
26 all proper and applicable health permits for any premises licensed under this Title or  
27 the violation of, or noncompliance with any applicable fire prevention, building,  
28 plumbing, electrical, heating, air conditioning or zoning codes pertaining to any  
29 premises licensed under this Title shall be cause for denial, revocation or suspension of  
30 any permit or license. The issuance or reinstatement of any such license, application or  
31 permit shall not be considered by the ABC Board until receipt of notice from the proper  
32 authority that all health permits are valid and current or said violation or noncompliance  
33 has been corrected. In the case of new construction of a proposed licensed location, a  
34 certificate of occupancy is required before final issuance of a license or permit.

35 (2) Premises destroyed. If premises licensed hereunder are destroyed by fire or any natural  
36 disaster or act of God, the licensee is permitted a reasonable time within which to  
37 reconstruct the licensed premises, but in no event longer than 24 months, unless further  
38 extended by the ABC Board.  
39

40 (b) **Location prohibitions—300 foot distance requirement from churches, schools and**  
41 **public playgrounds, and daycare centers.** No license or permit shall be granted  
42 hereunder to any applicant when the property upon which the business is to be conducted  
43 is within 300 feet of any property used exclusively as a regular church or synagogue, public  
44 library, school or orphans' home (except a school for business education conducted as a  
45 business college or school, and except a state college or university), or within 300 feet of  
46 a public playground, or within 300 feet of a daycare center, provided that the provisions of

1 this section shall not apply to premises which are maintained as a bona fide hotel, wholesale  
2 dealer, railway car, or fraternal organization, or to any premises licensed to deal in  
3 beverages of low alcoholic content, for a period of one year, or longer, prior to the passage  
4 of this Title. The limitation on distance from a public playground shall not apply to a  
5 premises operated as a class P, public recreational facility licensee. The 300 feet minimum  
6 distance shall be measured as provided by state law.  
7

8 (c) **Zoning.**  
9

- 10 (1) Non-conforming. No person operating a business which is presently classified as a legal  
11 non-conforming commercial use, as defined in the zoning ordinance of the city, may  
12 apply for or be issued a license or permit without first obtaining a petition of 51% of  
13 the property owners within 300 feet of said business (said petition must be obtained  
14 from the DPW permit office). This section only applies to class B (package) sales of  
15 retail beer and/or liquor, which does not allow consumption on the premises.  
16 (2) Requirements must be met prior to application. All zoning requirements as required by  
17 the zoning ordinance of the city must be met prior to the time an application for an  
18 alcoholic beverage license is filed with the ABC Office.  
19 (3) Waiver of parking requirements. The ABC Board, subject to the approval of the zoning  
20 commission, may waive parking requirements either in whole or in part upon a finding  
21 that such waiver is in the public interest or that the person, firm, entity, association of  
22 persons, or premises was operating on the premises prior to September 24, 1975.  
23

24 **Sec. 26:405. Renewals of business and employee licenses and permits.**  
25

- 26 (a) **Requirements.** The application for renewal of a license and/or permit issued under this  
27 Title will be approved or denied based upon the general purpose and intent of the  
28 requirements for an original application. Renewal of a license and/or permit shall be  
29 construed as an extension of those qualification requirements that permitted issuance of the  
30 current year's license and/or permit plus any amendments thereto.  
31  
32 (b) **Grounds for denial.** The application for renewal of a license and/or permit may be denied  
33 on the same grounds and in the same manner as an original application. Any condition, act,  
34 or reason which would have been grounds for suspension or revocation of the permit for  
35 the previous year shall be grounds for denial of the application for renewal.  
36  
37 (c) **Filing deadline.** Business applications for renewal of a license and/or permit for the year  
38 shall be filed with the ABC Office on or before January 31<sup>st</sup> and a remittance therefor in  
39 any form of payment accepted by the City, cashier's check, money order, or credit card in  
40 the proper amount, payable to City of St. George, who shall hold same in abeyance until  
41 he is notified that the application has been approved. The term of the license shall be from  
42 February 1 through January 31<sup>st</sup> of the following year.  
43 (1) Classified employee renewal. Classified employee's application for permit renewal,  
44 accompanied by the required remittance in any form of payment approved by the City,  
45 cashier's check, money order, or credit card shall be filed with the ABC Office no later  
46 than 30 days prior to expiration of the current permit.

1  
2 (d) **Late penalty.** Should any business licensee fail to file an application for renewal together  
3 with the necessary fee(s) as required by this Title, a penalty shall be imposed of 25% of the  
4 amount due.

5 (1) Denial. If the application and fee(s) for renewal of a business license and/or permit is  
6 not filed before January 31 of the year for which the permit is required, the application  
7 for renewal may be denied and the procedure and requirements for a new business  
8 application imposed. If the renewal application is granted, however, it shall be subject  
9 to the penalties assessed hereinabove.

10 (2) Waiver of penalties. Notwithstanding the provisions above, the Director shall have the  
11 authority to waive the penalties, under the following circumstances:

12 a. *By Director.* Where the Director determines the reason the application and fee for  
13 renewal is not timely filed due to the fault of the city and not due to the fault of the  
14 applicant;

15 b. *When issued after December 15.* Where the original license or permit is issued after  
16 December 15 of the year for which the permit is required, the application for  
17 renewal may be denied and the procedure and requirements for a new business  
18 application imposed.

19  
20 (e) **Renewal not accepted after July 1.** No application for renewal of a license and/or permit,  
21 excepting classified employees, shall be accepted after July 1 and any application filed  
22 after that date shall be required to qualify as a new business.

23  
24 (f) **Fingerprinting waived.** Fingerprinting persons financially interested in any business  
25 licensed to sell alcoholic beverages is hereby waived when such persons or businesses  
26 apply for renewal of a license and/or permit, provided there has been no change in  
27 ownership since last renewal.

28  
29 (g) **Taxes and fees must be paid.** No renewal of license and/or permit shall be issued to an  
30 applicant if any required local political subdivision sales and use tax, penalties, interest,  
31 tax deposits, attorney fees, court costs fees, excise tax, occupational license tax or other  
32 tax, license or fee are outstanding or considered delinquent.

33  
34 (h) **Fees same as new businesses.** Fees and/or taxes for all renewal applications shall be the  
35 same as levied on new businesses except herein where may be otherwise specified.

36  
37 (i) **Health permit current.** An approved inspection report by the parish health unit dated  
38 within 90 days of the renewal application must accompany said application.

39  
40 (j) **Meet requirements of subsection 26:403(a)(5).** All applications for renewal shall meet  
41 the requirements of subsection 26:403(a)(5).

42  
43 **Sec. 26:406. Wholesale dealer required to verify retail license before delivery.**

44  
45 No wholesale dealer shall dispense or sell to any retail dealer any of the beverages  
46 described in subsection 26:101(b), unless the retail dealer has procured and has posted in a

1 conspicuous place in his establishment, the permit/license. Every wholesaler shall, at the time of  
2 shipping or delivering such beverages to a retailer, make a true duplicate invoice of each such  
3 shipment showing full and complete details of the sale or delivery, and shall include on such  
4 invoice the city license/permit number. No wholesaler shall dispense, sell or deliver to any retail  
5 dealer until the wholesaler has been furnished the retail dealer's city license/permit number.  
6

7 **Sec. 26:407. Marketing and purchasing by electronic means.**  
8

9 (a) **Sale by electronic means.** Notwithstanding any law, rule, or regulation to the contrary,  
10 any liquor retailer permitted pursuant to this Title or a retailer permitted to sell alcoholic  
11 beverages for off-premise consumption, may use electronic means to do the following:

- 12 (1) Market the alcohol products it is licensed to sell.
- 13 (2) Receive and process purchase orders placed by a consumer of legal drinking age,  
14 which orders may then be delivered to such consumer on the licensed premises itself  
15 or at a residential or commercial address in St. George designated by the consumer in  
16 accordance with paragraph 26:204(a)(4) of this Title.

17  
18 (b) **Class B (liquor) for off-premise consumption.** A class B liquor retailer permitted  
19 pursuant to this Title or a retailer permitted to sell alcoholic beverages for off-premise  
20 consumption may market, receive, and process orders for alcohol products under this  
21 section using electronic means owned, operated, and maintained by a third party, provided  
22 that:

- 23 (1) The permittee maintains ultimate control and responsibility over the sales  
24 transaction and transfer of physical possession of the alcoholic beverages.
- 25 (2) The permittee retains the sole discretion to determine whether to accept and  
26 complete an order or reject it, and the permittee or an employee of the permittee  
27 reviews and accepts or rejects each order.
- 28 (3) The permittee retains the independence to determine which alcoholic beverages are  
29 made available through electronic means, which alcoholic beverages are made  
30 available for delivery to the consumer at the licensed premises itself or at another  
31 address designated by the consumer, and the permittee shall independently set the  
32 price of such products.
- 33 (4) The purchase transaction takes place between the consumer and the permittee and  
34 the permittee appears as the retail dealer.
- 35 (5) Any credit or debit card information provided by a consumer to the third party for  
36 the purpose of transacting a purchase with a permittee is automatically directed to  
37 the permittee such that the permittee appears as the retail dealer at the time of  
38 purchase and on the receipt.
- 39 (6) The permittee, or an employee of the permittee, processes, at the premises that  
40 accept the order, all payments initiated by a consumer that is transacting a purchase  
41 with the permittee.
- 42 (7) The alcoholic beverages are in the possession of the permittee prior to the  
43 permittee's processing of payment of such products.
- 44 (8) The permittee, or an employee of the permittee, assembles, packages, and fulfills  
45 each order at the premises that accepted the order.
- 46 (9) Deliveries to consumers are made by the permittee, or by an employee of the

1            permittee.

- 2            (10) At the time of delivery, the permittee, or an employee of the permittee, verifies the  
3            identity and age of the person accepting delivery of the order by validating a state-  
4            issued photo identification of the person or through use of a real-time age  
5            verification system authorized by the ABC Director. Additionally, a signature of  
6            the person receiving the delivery acknowledging receipt of the delivery and  
7            verifying their age shall be obtained.
- 8            (11) The relationship between the permittee and the third party pursuant to subsection  
9            (b) of this section shall be one of independent contractors, and neither party shall  
10           be deemed the employee, agent, or joint venturer of the other party under any  
11           circumstances or for any purposes.

12  
13 **Sec. 26:408. Hours of operation and closing times for licensed or permitted businesses and**  
14 **organizations.**

- 15  
16 (a) **Class A, B and R license holders.** The hours of operation of all class A on-premises  
17 consumption license holders shall be from 6:00 a.m. daily until 2:00 a.m. of the following  
18 day, Mondays through Saturdays, and from 11:00 a.m. Sunday daily until 12:00 a.m.  
19 midnight Sunday. The hours of operation of all class R on-premises consumption license  
20 holders shall be from 6:00 a.m. daily until 2:00 a.m. of the following day, Mondays through  
21 Saturdays, and from 10:00 a.m. Sunday daily until 12:00 a.m. midnight Sunday. The hours  
22 of operation of all class B off-premises consumption license holders shall be from 6:00  
23 a.m. daily until 2:00 a.m. of the following day. Whenever New Year's Eve falls on a  
24 Sunday, all class A and R license holders shall be allowed to operate on New Year's Eve  
25 until 2:00 a.m. the following day, and the premises must be vacated by 2:30 a.m. the  
26 following day. It shall be a criminal offense as well as a violation of this Title for any holder  
27 of such a retail dealer's license/permit issued under this Title or a servant, agent or  
28 employee of same to dispense, in any manner, beverages described in subsection 26:101(b)  
29 of this Title between the hours of 2:00 a.m. and 6:00 a.m., except as provided below:  
30
- 31 (1) Sunday sales—Motels, hotels, restaurants, convention facilities and private clubs.  
32 Without meeting the requirements of subsection 26:208(a) of this Title, motels,  
33 hotels, convention facilities, and private clubs offering family-type outdoor  
34 recreational facilities designed and used as golf and/or tennis clubs whose land area  
35 used for said recreational activities exceeds the area in square footage used for  
36 improvements by a ratio of at least 20 to one, shall be permitted to serve beverages  
37 described in subsection 26:101(b) herein between the hours of 10:00 a.m. and 12:00  
38 a.m. midnight Sunday to guests, members and other private functions including  
39 legitimate groups, but shall be prohibited from selling package goods or opening  
40 bars or lounges to the general public during the specified hours. Said ratio in square  
41 footage is to be determined by the inspection division. Private clubs designated  
42 above shall meet all requirements of subsection 26:408(a)(2) a. and b. except such  
43 clubs will not have to be classified as a non-profit organization.
- 44 (2) Sunday sales—Non-profit organizations. Religious, charitable, fraternal, veterans  
45 and other private clubs, which are non-profit organizations in nature and classified  
46 as such by all taxing authorities, licensed under the provisions of this Title, upon

1 certification as a non-profit organization by the ABC Office, shall be permitted to  
2 sell beverages described in subsection 26:101(b) between the hours of 10:00 a.m.  
3 Sunday and 12:00 a.m. midnight Sunday subject to meeting the following  
4 conditions:

5 a. *Criteria.* An organization described in this section applies for and receives on  
6 an annual basis, a permit to serve alcoholic beverages during the hours specified  
7 above.

8 b. *Documentation required.* Said permit application to be accompanied by:

9 1. A copy of the charter of the organization, club, or facility.

10 2. A current, accurate membership roster showing full names of members and  
11 their current residence address.

12 3. Certification by the duly elected officers of the organization that said  
13 organization is certified a non-profit organization by all taxing authorities  
14 and list such authorities.

15 4. An organization applying for a permit under this section also hold a current  
16 license/permit under other provisions of this Title for the sale of alcoholic  
17 beverages.

18 (3) Closing hours. All class A (on premises consumption) locations shall be closed at  
19 2:30 a.m. until 6:00 a.m., the same day, Monday through Saturday, and shall be  
20 closed from 2:30 a.m. Sunday until 11:00 a.m. and shall be closed from 12:30 a.m.  
21 until 6:00 a.m. Monday. All class B (off-premises consumption) locations may  
22 remain open twenty-four (24) hours per day, however, no alcohol may be sold,  
23 dispensed, consumed, or given away from 2:00 a.m. until 6:00 a.m. daily, Monday  
24 through Sunday.

25 (4) Exemptions. Those businesses exempted from former R.S. 51:191 and by former  
26 R.S. 51:192 as they read when repealed in 1986, may remain open for the sale of  
27 other items permitted by law, but any sale, dispensing, or consumption of alcoholic  
28 beverages at such places of business during the prohibited periods set forth above  
29 is expressly forbidden. During the prohibited periods, no open containers, glasses,  
30 bottles, cans or other containers holding alcoholic beverages shall be allowed  
31 anywhere on the licensed premises or property, except in a locked cabinet or  
32 cupboard; provided that those businesses maintaining separate rooms for the  
33 conduct of the business of dealing in alcoholic beverages may securely close and  
34 lock said separate rooms. Proof of the finding of any open container holding  
35 alcoholic beverages at any other place in the licensed premises during the  
36 prohibited periods shall result in a presumption that some of the contents of the  
37 container were consumed on the licensed premises on the date found and during the  
38 prohibited period; and shall further result in a presumption that the contents of the  
39 container were sold by the license/permit holder, his manager, agent, servant or  
40 employee on the date found.

41  
42 (b) **Class P license holders.** The hours of operation of all class P (on-premises consumption)  
43 license holders shall be from 10:00 a.m. daily until 12:00 a.m. of the following day. It shall  
44 be a criminal offense as well as a violation of this Title for any holder of a class P license  
45 issued under this Title or a servant, agent or employee of same to dispense, in any manner,  
46 beverages described in subsection 26:101(b) of this Title between the hours of 12:00 a.m.

1 and 10:00 a.m. All class P locations shall be closed at 12:30 a.m. and may not sell beverages  
2 described in subsection 26:101(b) of this Title before 10:00 a.m.  
3

4 (c) **Class M license holders.** The hours of operation of all class M (manufacturer's) license  
5 holders shall not be limited, except as follows:

6 (1) Class M license holder with on-premises consumption. The hours of operation of  
7 all class M (manufacturer's) which also holds a class A license and operates any  
8 on-premises tasting room, other on-premises consumption facility or service point  
9 of any sort shall be from 9:00 a.m. until 12:00 a.m. of the following day, Monday  
10 through Thursday, 8:00 a.m. until 2:00 a.m. of the following day, Friday and  
11 Saturday, and 12:00 p.m. until 12:00 a.m. on Sundays for those areas which serve  
12 or dispense any qualifying beverages under this Title. The hours of operation for  
13 the manufacturing operation shall not be limited.

14 (2) Class M license holder with off-premises consumption. The hours of operation of  
15 all class M (manufacturer's) which also holds a class B license and operates any  
16 sales point for off-premises consumption of any sort shall be from 9:00 a.m. until  
17 12:00 a.m. of the following day, Monday through Thursday, 8:00 a.m. until 2:00  
18 a.m. of the following day, Friday and Saturday, and 12:00 p.m. until 12:00 a.m. on  
19 Sundays for those areas which serve or dispense any qualifying beverages under  
20 this Title. The hours of operation for the manufacturing operation shall not be  
21 limited.  
22

### 23 **Sec. 26:409. Acts prohibited.** 24

25 In addition to prohibited acts and/or conditions found in sections 1:1101—1:1104 of this  
26 Code, no holder of a wholesale, retail or classified employee license and/or permit issued under  
27 this Title, or their servant, employee, agent, representative or business associate shall perform,  
28 commit, or encourage or permit any person to perform or commit the following prohibited acts on  
29 any licensed premises:  
30

31 (1) Violation of any local, state, federal or international laws. Commit, attempt, conspire,  
32 aid, abet or encourage any persons to commit any acts or things prohibited by this Title,  
33 by the provisions of any applicable Louisiana Revised Statutes or law, or applicable laws  
34 of the United States or any other country.

35 (2) Bring your own alcoholic beverages. It is strictly forbidden to allow, encourage or permit  
36 patrons to provide or bring and/or consume alcoholic beverages not provided by the  
37 licensed establishment. Patrons cannot provide their own alcoholic beverages for  
38 consumption on premises unless the premises is licensed by state or local officials. This  
39 specifically applies to all tobacco, vape, smoke, hookah, arcades, gaming, theaters,  
40 listening rooms, and other retail type businesses.

41 (3) Consumption of alcoholic beverages on any parking lot. It shall be unlawful to sell,  
42 disburse or permit the sale or disbursement of alcoholic beverages or liquors, including  
43 beer, in any open container for consumption off licensed and/or leased premises; or it  
44 shall be unlawful to furnish open containers to patrons for the intent and purpose of  
45 removal and consumption of alcoholic beverages and liquors, including beer, off the  
46 licensed premises and/or leased premises.



- 1 (4) Allow unlicensed persons to perform services. Shall permit any person to perform any  
2 services, on the licensed premises, covered under this Title for which a license/permit is  
3 required without same being first issued and in a current valid status.
- 4 (5) Persons aiding and abetting in any violation with a license holder. Any person aiding,  
5 abetting or participating in any violation of this Title with any license/permit holder, or  
6 agent, servant, employee or business associate of such holder, shall be equally guilty of  
7 a violation of this Title, and shall be punished as provided herein.
- 8 (6) Operating without a permit. Any person, firm, entity or association of persons who  
9 operates, in any manner, a business described in subsection 26:101(b) and/or Chapter 2  
10 of this Title without the proper license/permit shall have the premises of such business  
11 place closed and sealed from entry until such time as the city can be heard on a motion  
12 for a temporary restraining order or a preliminary injunction. Any alcoholic beverages,  
13 documents and sales receipts therein covered by this Title shall be seized by the office of  
14 ABC until such hearing. Copies of seized documents which are necessary business  
15 documents, will be provided upon request and any alcoholic beverages therein covered  
16 by this Title shall be seized by the office of alcoholic beverage control.
- 17 (7) Permit employees to consume alcoholic beverages. Permit any classified employee or for  
18 any classified employee described in this Title to consume any alcoholic beverages on  
19 the licensed premises during hours of operation of the business or during the normal  
20 working hours of said employee, except that this section shall not apply to those persons  
21 employed in class R licensed businesses.
- 22 (8) Provide off premises deliveries. Provide off-premises delivery service of any alcoholic  
23 beverages excepting those businesses licensed under this Title.
- 24 (9) Offer alcohol as an inducement to purchase motor fuels. Offer alcoholic beverages as an  
25 inducement to purchase motor fuels.
- 26 (10) Prohibition of exotic dancers. No individual, firm, entity, business or other entity  
27 regulated or licensed to sell alcoholic beverages under this Title shall employ or permit  
28 any exotic dancer to perform on the premises of any establishment owned or operated by  
29 such licensee whether said dancer is paid a salary, commission or receives gratuities from  
30 customers of the establishment. It shall be prima facie evidence of a violation of this  
31 section if any female performer is clad only in "pasties" covering female breast nipples  
32 or is clad only in a "G-string" covering the female genitalia or a combination of both. It  
33 shall be prima facie evidence of a violation of this section if a male performer is clothed  
34 only in such clothing that covers the male genitals only. Any individual, firm, entity,  
35 business, or other entity regulated or licensed to sell alcoholic beverages under this Title  
36 and employing exotic dancers, existing on the effective date of this Title, shall be exempt  
37 from the provisions of this section. The individual, firm, entity, business or other entity  
38 regulated or licensed entity holding an exemption shall require any exotic dancer on the  
39 premises hold a classified employee license, which shall be kept separate from the  
40 licenses of other classified employees. This exemption shall not be transferrable.  
41 "Transferable" as used above applies to the ownership of the license as well as the  
42 location of the licensed premises at the time the exemption went into effect.
- 43 (11) Forbidden promotional practices. The following promotional practices between the hours  
44 of 10:00 p.m. and 10:00 a.m. of the following day:
- 45 (a) Sell or otherwise furnish any alcoholic beverage that is free of charge whether  
46 associated with an admission fee or cover charge or not.

- 1 (b) Sell or serve any alcoholic beverage at a price fixed on an "all you can drink basis."
- 2 (c) Sell or otherwise furnish alcoholic beverages at a price which is less than 60 percent
- 3 of the usual, customary or established retail price charged for such alcoholic beverage
- 4 drinks by that establishment.
- 5 (d) Sell or serve to all patrons or classes of patrons multiple drinks for a single price.
- 6 (e) Sell or serve an increased non-standard volume of alcohol in a single container for
- 7 consumption by one person.
- 8 (f) Conduct games or contests that involve drinking alcoholic beverages or the awarding
- 9 of alcoholic beverages as prizes.
- 10 (g) Engage in any other practice which has as its specific purpose to encourage or permit
- 11 patrons to drink in excess.
- 12 (h) Advertise or promote in any way, either on or off the premises, a practice prohibited
- 13 under this section.
- 14 (i) In order to facilitate the enforcement of this subsection, all licenses shall maintain a
- 15 schedule of the prices charged for all drinks to be served and consumed on the
- 16 premises which shall be effective for a minimum period of 30 days.
- 17

18 **Sec. 26:410. Prohibiting unfair practices in the sale of alcoholic beverages.**

- 19
- 20 (a) The following unfair practices are hereby prohibited:
- 21
- 22 (1) Misleading or fraudulent advertising or failure or inability to deliver advertised
- 23 alcoholic beverages over a minimum period of 24 hours from date of advertising, unless
- 24 the quantity for sale is specified in the advertisement in type as large as the largest used
- 25 therein.
- 26 (2) Misleading or fraudulent substitution of alcoholic beverages for those ordered or sold.
- 27 (3) Adulterating, watering, or in any manner changing the original contents of any
- 28 container of alcoholic beverages while in such container, or possessing containers so
- 29 adulterated, watered, or changed.
- 30 (4) Violating any law or laws of this state defining or prohibiting unfair practices.
- 31 (5) Permitting or acquiescing in the indiscriminate solicitation or acceptance of alcoholic
- 32 beverages, or unregulated beverages, from patrons by employees, or habitues, of the
- 33 dealer's establishment on the licensed premises.
- 34 (6) Doing, permitting, or acquiescing in the doing or permitting, of any act or thing in
- 35 connection with the sale of alcoholic beverages involving pricing or stocking or
- 36 involving fraud, deception or coercion.
- 37
- 38 (b) No retail dealer of alcoholic beverages shall substitute one brand of alcoholic beverage for
- 39 a brand specifically requested by the customer, unless the customer consents to the
- 40 substitution.
- 41 (1) For the purpose of this subsection, "brand" means a kind, grade, make, or class of
- 42 alcoholic beverage identified as being the product of a single manufacturer by a stamp,
- 43 trademark, logo, or name.
- 44 (2) Violation of this subsection by an agent, associate, employee or representative, or
- 45 servant of a retail dealer shall be considered a violation by the retail dealer for the
- 46 purpose of this subsection.

1 (3) Anyone who violates this subsection may have his license suspended for not more than  
2 two days for the first offense, not less than five days nor more than 30 days for a second  
3 offense, and not less than 30 days nor more than year for third and subsequent offenses.  
4 In addition, the ABC Board may fine anyone violating this subsection in accordance  
5 with the fine schedule as set by the ABC Board.

6 (4) In addition to the penalties set forth in this Section, the retail dealer may be liable in  
7 civil suit to the customer and to any dealer of the requested alcoholic beverage for  
8 damages which resulted from the substitution. The court shall award the prevailing  
9 party in such an action reasonable attorney fees and costs.

10  
11 (c) No retail dealer or any person or entity which owns or controls, directly or indirectly, any  
12 premises on which a retail dealer operates shall require a wholesaler of such beverages to  
13 obtain a license or permit, whether or not accompanied by a fee, from a retailer or any  
14 person or entity which owns or controls, directly or indirectly, any premises on which a  
15 retail dealer operates for the privilege of soliciting for sale or selling alcoholic beverages  
16 to the retailer. For purposes of this subsection, fees shall not mean allowances, incentives,  
17 or any other recognized market practices.

## 18 19 CHAPTER 5. FEES

### 20 21 Sec. 26:501. Fees.

22  
23 (a) **Fee for permit.** Every class A, B, C and R liquor dealer, in addition to the license tax  
24 levied in this Chapter is hereby required to obtain from the city an annual permit to conduct  
25 such business during the appropriate year and shall pay \$10.00.

26  
27 (b) **Fees for acquiring an existing business.** Any class A, B, C and R beer and/or liquor dealer  
28 who, on or after July 1 of any year, acquires a business currently licensed for that year,  
29 shall pay a license or excise tax of 65% percent of the annual amount for the remainder of  
30 that year and a \$10.00 permit fee, in the case of a liquor dealer for the balance of the  
31 appropriate year.

32  
33 (c) **Class A**

- 34 (1) Class A (beer). \$100.00, annually.  
35 (2) Class A (liquor). \$500.00, annually.  
36 (3) Class A (beer caterer). \$90.00, annually.  
37 (4) Class A (delivery). \$1,500.00 dollars.  
38 (5) Class A (liquor caterer). \$500.00, annually.  
39 (6) Class A (growler permit). \$90.00, annually.

40  
41 (d) **Class B**

- 42 (1) Class B (beer). \$75.00, annually.  
43 (2) Class B (liquor). \$500.00, annually.  
44 (3) Class B (sampling). \$120.00 per year per licensed location, annually.  
45 (4) Class B (delivery). \$250.00 dollars, annually.

46

- 1 (e) **Class C**  
2 (1) Class C (beer). 120.00, annually.  
3 (2) Class C (liquor). \$500.00, annually.  
4 (3) Third Party Delivery Company. \$500.00.  
5
- 6 (f) **Restaurants.**  
7 (1) Class R (restaurant). \$105.00, annually.  
8 (2) Class A Restaurant (delivery through 3<sup>rd</sup> party agreement). \$150.00, annually.  
9 (3) Class R1. (delivery). \$150.00, annually.  
10 (4) Restaurant after hours permit (R.A.H. permit). \$60.00, annually, with a valid class R  
11 license  
12
- 13 (g) **Manufacturers.**  
14 (1) Class M (manufacturers) \$120.00 for manufacturers of low-alcoholic content  
15 beverages, annually; \$500.00 for manufacturers of all other qualifying beverages,  
16 annually.  
17 (2) Microbrewery License. \$120.00 for manufacturers of low-alcoholic content beverages,  
18 \$500.00 for manufacturers of all other qualifying beverages, annually, per licensed  
19 location.  
20 (3) Microdistillery License. \$120.00 for manufacturers of low-alcoholic content  
21 beverages, \$500.00 for manufacturers of all other qualifying beverages, annually, per  
22 licensed location.  
23
- 24 (h) **Classified employee.** \$30.00 for issuance of a license to a qualified applicant, for a two-  
25 year license.  
26
- 27 (i) **Waiter/waitress license.** \$30.00 per qualified applicant, for the duration of employment  
28 in that particular entity, company or association; \$30.00 recharge fee for changes in  
29 position of employment to another entity, company or association.  
30
- 31 (j) **Retail clerk license.** \$30.00 per qualified applicant, for the duration of employment in  
32 that particular entity, company or association; \$30.00 recharge fee for changes in position  
33 of employment to another entity, company or association.  
34
- 35 (k) **After-hours work permit.** \$60.00, annually; \$20.00 to up-date after-hours work permit,  
36
- 37 (l) **Public Recreational Facility.** (Class P) \$10.00, annually.  
38
- 39 (m) **Special event permit.** \$360.00 per day of the event for liquor (to include beer and wine)  
40 or \$120.00 per day of the event for beer only.  
41
- 42 (n) **On-site tasting permit (Sec. 26:211(i)).** \$60.00 per permit.  
43
- 44 (o) **Notice of intent fee.** New businesses: \$564.00 to apply for a permit. New businesses (class  
45 P): \$10.00.  
46

- 1 (p) **Duplicate licenses and permits.** The fee for all duplicate licenses and permits shall be  
2 \$15.00. This shall include name changes, lost, stolen or damaged licenses and shall apply  
3 to individuals and businesses.  
4

## 5 CHAPTER 6. ENFORCEMENT 6

### 7 **Sec. 26:601. Enforcement of this Title.** 8

- 9 (a) The director may promulgate rules in accordance with this Title for the requirements and  
10 qualifications for delivery.  
11  
12 (b) If any provision of this Title, or its application to any person or circumstance, is determined  
13 by a court to be invalid or unconstitutional, the remaining provisions shall be construed in  
14 accordance with the intent of the council to further limit rather than expand commerce in  
15 alcoholic beverages and to enhance strict regulatory control over taxation, distribution and  
16 sale of alcoholic beverages through the three-tier regulatory system imposed by the local,  
17 state and federal law upon all alcoholic beverages.  
18

### 19 **Sec. 26:602. Enforcement provisions.** 20

- 21 (a) **Notification of charges by police and sheriff.** The chief of the city police department and  
22 the sheriff are hereby required to promptly notify the ABC Office of any and all arrests or  
23 charges at any business establishment licensed under this Title, which involve the holder  
24 of the license for that establishment, or any agent, servant or employee of same, and which  
25 arrests and charges relate to violations of this Title; and the chief of police and sheriff are  
26 hereby directed to charge the licensee, the agent, servant or employee of same, as the case  
27 may be, with said violation before the proper court, who in turn will notify the ABC Office  
28 of all charges resulting therefrom.  
29  
30 (b) **Chief of police to furnish assistance.** The chief of police of the police department of the  
31 city is hereby required to furnish any reasonable request for assistance by the ABC Office  
32 or its authorized representative for the purpose of enforcing this Title.  
33  
34 (c) **Request state agencies to take like action of ABC Board.** Written notice of a decision  
35 by the ABC Board to warn, deny, suspend or revoke any license or permit shall be sent  
36 immediately to such state officer, departments or agencies as may have jurisdiction over,  
37 or interest in such license/permits, with a request that the state take like action.  
38  
39 (d) **Who may cite a license holder.** The ABC Office, city officials, governing bodies, and law  
40 enforcement authorities have the right to have a licensee/permittee cited by the ABC Office  
41 to show cause why a license/permit should not be revoked.  
42  
43 (e) **Inspections of premises.** As a consideration in being issued a license/permit to operate a  
44 business covered by this Title, the license/permit holder agrees that the licensed property  
45 and any documents, sales records, etc. required herein shall be available for inspection  
46 upon request of any agency, or its representative, empowered to enforce this Title.

1  
2 **Sec. 26:603 Grounds for revocation or suspension of license; discretionary.**  
3

4 In addition to any other causes enumerated in this Title by any applicable Louisiana  
5 Revised Statutes or laws, or any applicable laws of the United States or any other country, the  
6 ABC Board may suspend or revoke any license/permit for any of the following causes:  
7

- 8 (1) Conviction of any violation of section 26:409. For being adjudged by the ABC Board or  
9 convicted by a court for violation of any ordinance, statute or law or other provision  
10 contained in section 26:409.
- 11 (2) Misstatement of fact. For any misstatement or suppression of fact in the information  
12 required to be given by the applicant in applying for a license/permit.
- 13 (3) Interposed person. If the license/permit was granted to any person who is, or has been,  
14 engaged in the business of dealing in alcoholic beverages with a person whose application  
15 for a license/permit has been denied, revoked or suspended, in the relationship of spouse,  
16 agent, partner, employer, employee or interposed person.
- 17 (4) Suspension or revocation of other licenses. Revocation, suspension or denial of a  
18 license/permit under this section may cause the revocation or suspension, as the case may  
19 be, of any other permit or license for alcoholic beverage held by the same  
20 permittee/licensee; except in the case of suspension or revocation of licenses/permits, at  
21 any particular location(s), for sales to minors pursuant to subsection 26:610(a).
- 22 (5) Failure to notify police of disturbances. Failure of the license/permit holder, or the  
23 designated manager in the absence of the holder to immediately notify the police of any  
24 disturbance, fistic encounter or similar incident occurring on the licensed property or  
25 violation of any criminal statute or ordinance occurring on the licensed property of which  
26 the owner, manager or person in charge had knowledge of or which he should have known.
- 27 (6) Failure to comply with this Title. Violation of, or failure to comply with this Title by any  
28 person issued a license/permit under this Title, or by any person's manager, agent, or  
29 employee.
- 30 (7) Failure to cooperate with enforcement agents. Failure of a licensee/permittee to cooperate  
31 fully with any law enforcement agency or its agents or any agent of the ABC Office in  
32 conducting any official investigation which, in any way, involves the licensed premises,  
33 the license/permit holder, an agent, servant, representative or employee of, or any customer  
34 of, or person conducting business with the licensed business, except that no one may be  
35 compelled to incriminate themselves in violation of state or federal law.
- 36 (8) Serve an intoxicated person. Sell, serve or dispense in any manner, any alcoholic beverages  
37 covered by this Title to any person whose actions, mannerisms and general conduct would  
38 reasonably indicate that said person is intoxicated or under the influence of drugs.
- 39 (9) Failure to check for lawful identification. Sell, serve, or dispense in any manner, any  
40 alcoholic beverages covered by this Title to any person under the age of 21 years, unless  
41 such person submits any of the following:  
42 (a) A valid, current, driver's license issued by the State of Louisiana, which contains a  
43 photograph of the person presenting the license;  
44 (b) A valid, current, driver's license of another state, which contains a photograph of  
45 the person and date of birth of the person submitting the license;

- 1 (c) A valid, current, special identification card issued by the State of Louisiana,  
2 pursuant to La. R.S. 40:1321, containing a photograph of the person submitting the  
3 identification card;
- 4 (d) A valid, current, passport or visa issued by the federal government or another  
5 country or nation, that contains a permanently attached photograph of the person  
6 and the date of birth of the person submitting the passport or visa; or
- 7 (e) A valid, current, military or federal identification card issued by the federal  
8 government containing a photo and date of birth of the person submitting the  
9 identification card.

10  
11 Each form of identification above must on its face establish the age of the person to 21  
12 years or older, and there must be no reason to doubt the authenticity or correctness of the  
13 identification. No form of the identification mentioned above shall be accepted as proof  
14 of age if it is expired, defaced, mutilated, or altered.

15  
16 If the driver's license, state identification card or lawful identification submitted is a  
17 duplicate, the person shall submit additional identification which contains his name, date  
18 of birth and photograph. In addition, an educational institution identification card, check  
19 cashing identification card or employee identification card shall not be considered as  
20 lawful identification for the purposes of this section.

- 21 (10) Allow underage persons on the premises. Allow or permit any persons(s) to frequent or  
22 visit the licensed premises where the principal commodity sold is alcoholic beverages  
23 unless such person submits a pictured driver's license or other lawful pictured identification  
24 that establishes the person as 18 years of age or older and there is no reason to doubt the  
25 authenticity or correctness of the identification, or unless such person is a musician  
26 performing in a band on the premises under written contract with the permittee for a  
27 specified time period and is under the direct supervision of his parent or guardian during  
28 such time. A copy of the written contract shall be provided to the ABC Office one week  
29 prior to the performance. For the purpose of this section a pictured lawful identification  
30 shall be the same as required in subsection 26:604(9).
- 31 (11) Discriminate because of race, sex, religion or national origin. Discriminate by reason of  
32 race, sex, religion or national origin. Being found guilty of a first offense by the ABC Board  
33 following a public hearing before the ABC Board shall result in a warning, and being found  
34 guilty of a second offense by the ABC Board following a public hearing shall result in  
35 suspension of the license/permit.
- 36 (12) Allow persons under the age of 21 to possess or consume alcohol on the premises. Allow  
37 or permit any person(s) under the age of 21 to possess or consume alcohol on the licensed  
38 premises, except as exempted by law. Lack of knowledge of the person's age shall not be  
39 a defense.

40  
41 **Sec. 26:604. Grounds for revocation or suspension of license; mandatory.**

42  
43 In addition to the provisions of any applicable state laws, or any applicable laws of the  
44 United States or any other country, the ABC Office shall suspend or revoke any license/permit for  
45 any of the following causes and shall remain in effect until the delinquency or infraction is  
46 resolved:

- 1 (1) Failure to pay taxes or fees. If, after 90 days of being due, any licensed dealer fails to pay  
2 any local political subdivision sales and use tax, penalties, interest, tax deposits, attorney  
3 fees, court costs fees, occupational license tax or other tax, license or fee required by the  
4 director of finance, or other revenue collecting authority and due by him to the city, as the  
5 owner or operator of any active or inactive regulated business within the city.
- 6 (2) Failure to notify the office of ABC of change of ownership. All licensees and persons  
7 required to be qualified pursuant to this Title shall have a continuing duty to inform the  
8 office of ABC Office of any change in ownership.  
9

10 **Sec. 26:605. Violations and remedies non-exclusive, criminal penalties for violations.**

- 11
- 12 (a) The violations in sections 26:604 and 26:605 are not exclusive, and violation of other local  
13 ordinances, state laws, or federal laws may result in administrative licensing or permit  
14 action.
- 15
- 16 (b) The violations in sections 26:604 and 26:605 may be brought as administrative matters, or  
17 may be charged as misdemeanors as provided in this Title, or both. A finding of fault or  
18 guilt in either an administrative or criminal proceeding does not create double jeopardy for  
19 purposes of parallel criminal and administrative proceedings.  
20
- 21 (c) In addition to action taken by the ABC Board in suspending, revoking or denying any  
22 license, permit or application covered by this Title, except subsection 26:605(7), any  
23 person convicted, in a court of proper jurisdiction, of violating any provisions of this Title  
24 shall be punished by a fine of \$500.00 or imprisonment for not more than six months, or  
25 both, and each day's violation shall constitute a separate offense.  
26

27 **Sec. 26:606. Administrative procedure and penalties for violation.**

- 28
- 29 (a) **Officers and agents held responsible for corporate violation.** The officer(s) or agent(s)  
30 in charge of any entity for which a license/permit may have been issued hereunder shall be  
31 subject to prosecution for any violation by such entity, and upon conviction shall be  
32 punished as provided above.
- 33 (1) License holder, agent, employee or servant subject to same fine. Any license/permit  
34 holder, agent, employee or servant of same violating this Title, upon conviction, shall  
35 be punished as provided above.  
36
- 37 (b) **Revocation and denial procedure.** When a license/permit of a business covered under  
38 this Title is revoked, no license/permit shall be issued, covering the same premises, until  
39 one year after the date of revocation and when a license, permit or notice of intent  
40 application is denied for a premise, said license, permit or notice of intent application  
41 request may be denied for the same premise for a two-year period.  
42
- 43 (c) **Warnings by the ABC Board.** Except as otherwise provided in this Title, the ABC Board  
44 may, by majority vote and after hearing all evidence, elect to warn any licensee/permittee  
45 or suspend any suspension or revocation of the license or permit, if the ABC Board finds  
46 that the violation is of a minor nature, that there are extenuating circumstances or that there



1 are reasonable grounds to expect that the licensee/permittee will not again violate any other  
2 provisions of this Title. If the violation is flagrant or serious, if the licensee/permittee has  
3 had its license/permit suspended, the ABC Board may revoke the license/permit and shall  
4 immediately notify applicable state and local authorities of its action.  
5

- 6 (d) **Assessment of cost of hearings.** In hearings of the ABC Board which finally result in  
7 withholding the issuance of a license/permit or in suspending or revoking same, the ABC  
8 Board shall assess any costs of the hearing to the applicant, licensee or permittee. The costs  
9 are recoverable by the ABC Board in any appellate proceeding instituted by the applicant,  
10 licensee/permittee or in any other judicial proceeding.  
11
- 12 (e) **Waiting period to reapply after suspension.** If any license or permit of a business is  
13 suspended by the ABC Board, it shall be a violation of this Title for any person to sell any  
14 of the beverages described in subsection 26:101(b), on the premises, and any person taking  
15 over ownership or operation of said business during the suspension period, shall be  
16 required to wait 15 days after the date of the imposition of suspension before submitting  
17 an application to the ABC Board for approval or disapproval.  
18
- 19 (f) **Notice to be published.** Upon suspension or revocation of a business licensed under this  
20 Title, the licensee shall immediately cause to be published one time in the official journal  
21 of the City, notice of such suspension or revocation.  
22
- 23 (g) **Appeals—Time limit and procedure.** Appeals of the decisions of the ABC Board  
24 pertaining to revocation, suspension or denial of any license or permit shall be in  
25 accordance with section 1:1104.  
26

27 **Sec. 26:607. Mandatory minimum penalties for sales to minors.**  
28

- 29 (a) **Mandatory suspension for unlawful sales to minors.**  
30 (1) Notwithstanding any other provision of this Title to the contrary, any person, firm, or  
31 entity, adjudged by the ABC Board or convicted in a court of proper jurisdiction, of  
32 selling or distributing alcoholic beverages to minors shall be penalized by mandatory  
33 suspension of their alcoholic beverage license permit as follows:  
34 a. On first offense or conviction, the license/permit shall be suspended for a minimum  
35 of 30 days;  
36 b. On second offense or conviction within a two-year period, the license/permit shall  
37 be suspended for a minimum of six months;  
38 c. On third offense or conviction within a two-year period, the license/permit shall be  
39 permanently revoked.  
40 (2) In addition to the minimum suspension periods set forth above, any person, firm, or  
41 entity convicted in court or adjudged by the ABC Board of selling or distributing  
42 alcoholic beverages to minors shall be assessed the following penalties:  
43 a. On first offense, a minimum of two hundred fifty dollars (\$250.00);  
44 b. On second offense within a two-year period, a minimum of five hundred dollars  
45 (\$500.00);  
46 c. On third offense within a two-year period, the maximum amount allowable by law.

- 1 (3) For any violation regarding the selling or distribution of alcoholic beverages to minors,  
2 the penalties set forth above shall be assessed against the licensee/permittee of the  
3 establishment or business where the violation occurred and the individual  
4 licensee/permittee who committed the violation;
- 5 (4) Within five days of imposition of any suspension or revocation pursuant to this  
6 subsection, the licensee/permittee must remove all alcoholic beverages from the  
7 premises of the location at which the violation occurred or cease all business operations  
8 at that location. Failure to comply with this provision shall result in the seizure of all  
9 alcoholic beverages by the ABC Office;
- 10 (5) The ABC Board may reduce a suspension imposed upon a business licensee/permittee  
11 pursuant to subsection (a)(1)a. above to a period of not less than ten days, in accordance  
12 with the following conditions and provisions:
- 13 a. The suspension must be imposed as a result of a finding by the ABC Board that the  
14 business was guilty of having sold or distributed alcoholic beverages to a minor and  
15 not as the result of a court conviction;
  - 16 b. The ABC Board may reduce the period of suspension only if a majority of the ABC  
17 Board finds that mitigating circumstances exist which warrant a reduction from the  
18 mandatory minimum period;
  - 19 c. The provisions of this subsection shall not apply to the suspension of a license of  
20 an individual found to have personally sold or distributed alcohol to a minor;
  - 21 d. The provisions of this subsection shall not apply to the suspension of a business  
22 license if an owner, officer, partner or shareholder of the business or entity is found  
23 to have personally sold alcohol to a minor.

- 24
- 25 (b) **Mandatory fines for unlawful sales of alcoholic beverages to persons ages 18, 19 or 20**
- 26 (1) Any person convicted in court or adjudged by the ABC Board of selling or distributing  
27 alcoholic beverages to persons ages 18, 19 or 20 shall be assessed a fine of \$250.00.
- 28 (2) For any violation regarding the selling or distribution of alcoholic beverages to persons  
29 ages 18, 19, or 20 committed on the premises of an establishment licensed pursuant to  
30 the provisions of this Title, the licensee/permittee of the establishment shall be assessed  
31 the following penalties, in addition to any suspension or revocation.
- 32 (a) On first offense, a fine of \$750.00;
  - 33 (b) On second offense within a 12 month period, a fine of \$1,000.00.
- 34

## 35 Section 2. Effective Date

36 This Ordinance shall be effective upon publication.

37 This Ordinance having been submitted to a vote, the vote thereon was:

38 For:

39 Against:

40 Absent:

41 Abstained/Recused:

42 Adopted this \_\_\_\_ day of \_\_\_\_\_, 2024.

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2  
3  
4  
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Signed this \_\_\_\_ day of \_\_\_\_\_, 2024.

Delivered to Mayor on the \_\_\_\_ day of \_\_\_\_\_, 2024:

\_\_\_\_\_  
Lorraine Beaman, City Clerk

Approved:

\_\_\_\_\_  
Dustin Yates, Mayor

Received from Mayor on the \_\_\_\_ day of \_\_\_\_\_, 2024:

\_\_\_\_\_  
Lorraine Beaman, City Clerk

Adopted Ordinance published in *The Advocate* on the \_\_\_\_ day of \_\_\_\_\_,2024.