

MUNICIPAL MINUTES, TOWN OF CHURCH POINT, STATE OF LOUISIANA

REGULAR MEETING SEPTEMBER 9TH, 2019

ATTENDANCE

MAYOR: Ryan “Spanky” Meche

ALDERMEN: Christine Semien (Ward 1), Kim Cormier (Ward 2), Pat O’Pry (Ward 3), Chris Lebas (Ward 4),
Errol “Slu” Comeaux (Ward 5)

CHIEF OF POLICE: Dale Thibodeaux

TOWN ATTORNEY: Brad Andrus

MUNICIPAL CLERK: Rowdy Latiolais

ABSENT: None

COMMENCEMENT

CALL TO ORDER

Mayor Meche called the Regular Council Meeting to order.

INVOCATION AND PLEDGE

Prayer lead by Alderwoman Christine Semien / Pledge led by Alderman Kim Cormier

AMENDMENT TO AGENDA

It was moved by Comeaux, seconded by Cormier to amend the agenda to include the following: Budget amendment in the amount of \$500.00 for police department ammunition; discussion/owner comment on the condemnation/demolition of property at 606 North Moss.

It was moved by O’Pry, seconded by Cormier to amend the budget in the amount of \$500.00 for police department ammunition.

Vote: All in favor

Budget unanimously amended

It was moved by O’Pry, seconded by Cormier to table the decision on the condemnation/demolition of property at 606 North Moss as to give the owner or power of attorney time to gather all applicable documents and present them to the council for decision at the September 25th public hearing/special meeting at 3:45 PM.

Vote: All in favor

Motion unanimously approved

READING AND APPROVAL OF PREVIOUS MINUTES

It was moved by O’Pry, seconded by Comeaux to accept the minutes as written.

Vote: All in favor

Minutes unanimously accepted

APPROVAL OF FINANCIAL REPORT

It was moved by Comeaux, seconded by O’Pry to accept the July 2019 financial report.

Vote: All in favor

Financial report unanimously accepted.

MAYORAL ADDRESS

Mayor Meche updated the public on the recent boil advisory for the town. He explained that a six-inch main line breached which in turn drained the water tower, affecting the pressure for the whole town. He then went on to explain that although the problem was fixed within hours, the boil advisory had to remain in effect for the next two days.

NEW BUSINESS

It was moved by O’Pry, seconded by Semien to approve a budget amendment in the amount of \$10,000 out of capital outlay for two police department motorcycles.

Vote: All in favor

Amendment unanimously approved

PUBLIC WORKS

It was moved by Comeaux, seconded by O’Pry to approve the reviewed annual MWPP Environmental Audit report.

Vote: All in favor

Report unanimously approved

LEGAL

It was moved by Cormier, seconded by O’Pry to file a lien against the property at 126 South Main Street in order to recoup costs associated with the demolition of building and structures on the property. Owner was not present to offer a plan of action in regards to the payment of said costs.

Vote: All in favor

Motion unanimously approved

It was moved by O’Pry, seconded by Comeaux to approve the adoption of a proposed ordinance amending the restrictions regarding closing hours at bars, saloons, taverns, pubs, lounges or the like.

Vote: All in favor

Ordinance unanimously approved; posted in appendix

It was moved by Lebas, seconded by O’Pry to approve a resolution creating a “LACE” program for the Church Point Police Department.

Vote: All in favor

Resolution unanimously approved

It was moved by Lebas, seconded by Comeaux to adopt the Acadia Parish decibel limits as it relates to current noise ordinance 17-68 of the Church Point Code of Ordinances.

Vote: All in favor

Motion unanimously approved

It was moved by Lebas, seconded by Cormier to approve the introduction of a proposed ordinance adopting state statute 33:441(A)(5) regarding the collection of municipal utility debts.

Vote: All in favor

Proposed ordinance unanimously introduced

MISC/DISCUSSION

It was moved by O’Pry, seconded by Comeaux to approve a liquor license exemption for the Church Point Alumni Tournament to be held on October 4th and 5th at Church Point City Park.

Vote: All in favor

Exemption unanimously approved

CLOSING

It was moved by O’Pry, seconded by Cormier to adjourn the meeting.

Vote: All in favor

Meeting adjourned

APPROVED AS TO AUTHENTICITY:

RYAN MECHE, MAYOR

DATE

ROWDY LATIOLAIS, CLERK

DATE

APPENDIX

**AN ORDINANCE AMENDING ORDINANCE NO. 090919-1 ENTITLED
ALCOHOLIC BEVERAGES**

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMAN OF THE TOWN OF CHURCH POINT, proceeding under its legal authority to perform certain actions that are in the best interest of the town of Church Point and further pursuant to the laws of the State of Louisiana hereby state the following:

WHEREAS, the Church Point Board of Alderman hereby desires to amend the Alcoholic Beverage Ordinance.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Board of Alderman of the Town of Church Point, Louisiana, acting as the governing authority thereof, Chapter 3 Section 3.1 through 3.9 of the Church Point Code of Ordinances entitled Alcoholic beverages is hereby amended to read as follows: *(To facilitate the interpretation of changes by way of amendments made to this ordinance, the following indicates words deleted by dashes ~~through such words~~ and indicates words added by such words being in bold and underlining such words.)*

~~ALCOHOLIC BEVERAGES*~~

~~ARTICLE I. IN GENERAL~~

~~Sec. 3-1. Closing hour restrictions.~~

~~(a) — As used in this section, "alcoholic beverages" means any fluid or solid capable of being converted into fluid, suitable for human consumption, and containing more than one-half of one (1) percent alcohol by volume, including malt, vinous, spirituous, alcoholic or intoxicating liquors, beer, porter, ale, stout, fruit juices, cider or wine.~~

~~(b) — All places of business licensed under the law of the town for the sale of alcoholic beverages shall be closed at 2:00 a.m. each night of the week and shall reopen no earlier than 6:00 a.m. except on Sunday night when closing will be at 12:00 midnight and not reopen until 6:00 a.m. Monday.~~

~~All places of business licensed under the law of the town for the sale of alcoholic beverages shall have a security guard on premises any time there are more than fifty (50) people there. Additional officers, will be required at the rate of one (1) officer per fifty (50) people.~~

~~(c) No proprietor of any establishment or business licensed under the law of the town for the sale of alcoholic beverages, nor any employee, servant or agent thereof, shall~~

~~give, barter, trade exchange or sell any alcoholic beverages from such establishment or business during the time that such business is to remain closed. Also, all customers and all employees must vacate the premises and all doors must be locked by 2:00 a.m.~~

~~(d) The violation of this section shall subject the proprietor to having his license, for the sale of alcoholic beverage,, suspended or revoked in the manner provided by law for the suspension or revocation of license.~~

~~(e) It shall be unlawful for any person to violate or fail to comply with any provision of
of
this article. The violation of any provision of this article shall be punished by a fine not exceeding five hundred dollars (\$500.00) or imprisonment for a term not exceeding thirty (30) days or by both such fine and imprisonment, within the discretion of the court. Each day any violation of any provision of the article continues constitutes a separate offense. (Ord. No. 178, §§ 1-111, V, 7-2-63; Mo. of 2-16-78; Mo. of 12-5-78; Mo. of 7-6-82; Ord. of 10-3-95; Ord. of 12-5-95)~~

~~*Sec. 3-2. Gallonage tax Levied.*~~

~~By virtue of authority granted by Louisiana Revised Statutes, section 26:493, there is hereby levied, in addition to all other excises, licenses or privilege taxes presently imposed, a tax on all beer, porter, ale, fruit juices and/or wine, having an alcohol content of not less than one half of one (1) percent or more than six (6) percent by volume of one dollar and fifty cents (\$1.50) per standard barrel of thirty one (31) gallons, or any like rate of any other quantity, or for the fractional parts of such barrel sold for consumption in the town, within the meaning and intent of the provisions of such statute.
(Res. of 8-7-46)~~

~~*Sec. 3-3. Same Collection.*~~

~~The tax levied by section 3-2 shall be collected by any and all Louisiana wholesale dealers from their vendees purchasing for consumption in the town on each sale and shall be remitted by said wholesale dealers to the collector of revenue of the state, each month, on or before the twentieth day of each succeeding month, respectively, all in accordance with rules and regulations promulgated by the collector of revenue and as provided by law.
(Res. of 8-7-46)~~

~~State law reference For similar provisions, see R.S. 26:345. cross references Sales to and purchases of alcoholic beverages by minors, § 17-64; sale of alcoholic beverages in parks, recreation areas, § 17.5-6; taxation, ch. 25. State law references Alcoholic beverages annually, R.S. Title 26; local permits for beverages of high alcoholic content, R.S. 26:273; local permits for beverages of low alcoholic content, R.S. 26:273.~~

~~*Sec. 3-4. Same Civil penalty for failure to pay.*~~

~~Failure of the wholesale dealer to collect and remit the tax levied by section 3-2, when due, or failure to pay the tax, when due, by a purchaser for consumption in the town shall, ipso facto render each of them liable for the amount of taxes found to be due, together with penalty of twenty (20) per cent of the amount of tax due, plus an additional amount of ten (10) per cent of the tax and penalty, as attorney's fees if referred to an attorney for collection.~~

~~(Res. of 8-7-46)~~

~~State law reference For similar provisions, see R.S. 26:363.~~

~~Sec. 3-5. Sales to minors prohibited.~~

~~It shall be unlawful for any person to sell spirituous, vinous or malt liquor to any person under the age of eighteen (18) years. (Ord. No. 141, § 7, 12-17-36)~~

~~Cross references Unlawful sales to minors, § 17-64; sales in parks and recreation areas, § 17-5-6.~~

~~4~~

~~Sec. 3-6. Sales within three hundred feet of churches, libraries, schools, etc., prohibited; exceptions.~~

~~It shall be unlawful for any person to sell spirituous, vinous, or malt liquors within a distance of three hundred (300) feet of a public playground, or of a building used exclusively as a church or synagogue, public library, or school, except a school for business education conducted as a business college or school. The distance of three hundred (300) feet shall be measured as a person walks using the sidewalk from the nearest point of the property line of the church or synagogue, library, playground, or school, to the nearest point of the premises to be licensed.~~

~~(Ord. No. 141, § 8, 12-17-36; Ord. of 11-8-83)~~

~~Sec. 3-7. Reserved.~~

~~Editor's note Section 2 of an ordinance adopted May 1, 1979, permitting the sale of alcoholic beverages in public parks and recreation areas with permission of the mayor and council is codified herein as § 17-5-6(a); hence, former § 3-7 which prohibited the sale of alcoholic beverages in parks and was derived from a motion of Oct. 3, 1978, is deleted by the editor as being superseded by section 2 of said ordinance of May 1, 1979.~~

~~Sec. 3-8. Open containers of alcoholic beverages prohibited in public places; definitions; penalty.~~

~~(a) Definitions:~~

~~Public property is any property open to the general public which is not enclosed by a structure; including parking lots of business establishments serving the public.~~

~~(b) Prohibition. It shall be unlawful for any person to carry an open container containing alcoholic beverages of either high or low alcoholic content and/or beer, upon the public streets, public sidewalks and public property.~~

~~(c) Penalty. The minimum penalty for violation of this section is five dollars (\$5.00), the maximum penalty is not to exceed two hundred dollars (\$200.00).~~

~~(Ord. of 10-3-78, §§ 1, 3; Mo. of 7-15-82)~~

~~Cross reference Carrying open glass containers prohibited, § 17-67.~~

~~4~~

~~Sec. 3-9. Possession of weapons on premises where alcoholic beverages are sold and consumed.~~

~~(a) Prohibited; exceptions. It shall be unlawful for any person to have in his possession a firearm or other instrumentality customarily used or intended for probable use as a dangerous weapon on any premises where alcoholic beverages are sold and consumed on the premises, or their employees, sheriffs, deputy sheriffs, state police, city police, constables, town marshals or persons vested with police power, when in the actual discharge of their duties.~~

~~(b) Search of persons authorized; confiscation of weapons. Any sheriff, deputy sheriff, state police, city police, constable, town marshal, or person vested with police power, may search any person found in any place where alcoholic beverages are sold and consumed on the premises and shall confiscate any firearm or other instrumentality customarily used or intended for probable use as a dangerous weapon which such peace officer may find; provided, there is probable cause for a wider search.~~

~~(Ord. of 10-2-79, §§ A, B)~~

~~Editor's note An ordinance adopted Oct. 2, 1979, was nonamendatory of this Code; hence, codification herein of §§ A and B of said ordinance as § 3-9 is at the discretion of the editor.~~

ARTICLE II. LICENSES*

DIVISION 1. GENERALLY

#

~~Secs. 3-13-3-17. Reserved.~~

DIVISION 2. BUSINESS LICENSES

~~Sec. 3-18. Required.~~

~~It shall be unlawful for any person to sell or in any manner deal in, either directly or indirectly, in the town, any alcoholic, intoxicating, spirituous, vinous or malt liquor, without first obtaining from the mayor and board of aldermen of the town an annual license to engage in such business and paying the license fee provided for in this division for certain cases. (Ord. No. 117, § 1, 7-5-60)~~

~~Sec. 3-19. Effect of exposure, advertising of beverages.~~

~~The exposing of any beverages for which a license for sale is required by this division in any quantity whatsoever or the advertising of the same for sale or distribution in any place of business within the town shall be deemed sufficient evidence of any intention to sell same, and shall be deemed a violation of the provisions of this division to the same extent as if a sale is made without the license herein required.~~

~~(Ord. No. 117, § 2, 7-5-60)~~

~~Sec. 3-20. Fees-Amounts.~~

~~Any person granted a license required by this division shall pay to the town a license tax in the following amount:~~

~~For the operation of a business, whether wholesale or retail,~~

~~under this division, where such beverages are of alcoholic content of more than six (6) percent by volume, license tax of five hundred dollars (\$500.00) for each license; provided, however, that from July first, a half-year license may be purchased for two hundred fifty dollars (\$250.00).~~

- ~~(1) For the operation of a business under this division, where beer, ale, porter, wine or fruit juices of an alcoholic content in excess of one-half of one (1) per cent by volume and not more than six (6) per cent by volume are sold or distributed for consumption on or off the premises or in the place of business of the licensee, a license tax of sixty dollars (\$60.00), known as a Class B retail dealer's permit.~~
- ~~(2) For the operation of a business under this division, where beer, ale, porter, wine or fruitjuices, as above described are sold or distributed at wholesale only, a license tax of seventy-five dollars (\$75.00), known as a Class A beer LICENSE~~

~~Sec. 3-21. Same-Not refundable.~~

~~The suspension, revocation, cancellation, surrender or abandonment of any license required by this division shall not entitle the holder to claim or recover any part or portion of the original fee or sum paid for such license.~~

~~Sec. 3-22. Same-When due; collection.~~

~~The license taxes provided for in this division shall be made annually, in advance, and shall be due and payable on January first of each year, and such payments shall become delinquent on January tenth; and after the delinquency date a penalty of five (5) per cent per month, or a fraction of a month from the due date, shall be charged and collected in addition to the tax payments, and if sued on or placed in the hands of the town attorney for collection, the delinquent owing from such license shall pay atorney's fees of ten (10) per cent of the aggregate amount of the license and penalty.~~

~~(Ord. No. 117, § 2, 7-5-60)~~

~~Sec. 3-23. Applications.~~

~~An applicant for any license required by this division must file an application with the town on a form provided therefor by the town, and in the manner required by the mayor and board of aldermen, who shall approve or reject the application as provided in this division. Any application for a renewal fa license at the time of its expiration shall be filed in writing on such form, and shall constitute and be considered as an original application. All applications must be verified by the oath of the applicant.~~

~~(Ord. No. 117, § 3, 7-5-60)~~

~~Sec. 3-24. Qualifications of applicants.~~

~~No license required by this division shall be issued except to a person of good moral character, over eighteen (18) years of age, and a citizen of the United States and of the state for a period of not less than two (2) years. A duly qualified officer or agent of a firm, corporation or association of persons duly qualified to do business~~

~~in the state may obtain a license for the same, provided that he has the qualifications required for a personal or individual license and in such application shall designate the firm, corporation or association of persons in whose name such license is desired. No person who, in the opinion of the mayor and board of aldermen, is deemed to be of bad moral character or reputation and unworthy shall be competent to obtain a license or to operate under any license.~~

~~(Ord. No. 117, § 4, 7-5-60; Mo. of 3-8-77)~~

~~Sec. 3-25. Personal nature; transferability.~~

~~All licenses issued under this division shall be nontransferable and are personal to the licensee. If the business changes hands during the license period, a new license must be applied and paid for and obtained.~~

~~(Ord. No. 117, §§ 2, 5, 7-5-60)~~

~~Sec. 3-26. Separate license required for each location.~~

~~Separate licenses shall be required for each and every place where beverages, for which licenses for sale are required by this division, are sold, either at wholesale or retail.~~

~~(Ord. No. 117, § 5, 7-5-60)~~

~~Sec. 3-27. Changes of location~~

~~The sale, either at wholesale or retail, where authorized, of beverages for which licenses are required by this division shall be conducted only in place of business or premises specified and designated in the application for the license and in the license issued, and no change of place of business shall be allowed, except after written application to, and with the approval and consent of, the mayor and board of aldermen, who shall have full power to approve or deny any such change in the same manner as is provided for the issuance or rejection of any original application for a license.~~

~~(Ord. No. 117, § 5, 7-5-60)~~

~~Sec. 3-28. Grounds for refusal, suspension cancellation.~~

- ~~(a) The mayor and board of aldermen, under its general police power, shall have the right and authority to refuse to issue or renew any license required by this division or to suspend or cancel any license previously issued, whenever the mayor and board of aldermen shall deem such refusal to issue or such suspension or cancellation to be advisable and for the general welfare, and whenever any person has conducted or operated a disorderly place, or permitted any place where such beverages are sold or consumed to become a disorderly place, in such a manner as to become constitute a nuisance; and the mayor and board of aldermen may deny the application for a license because of the proposed location of the business, if, in the opinion of the mayor and board of aldermen, the location is improper, or is difficult for police to regulate or offensive to the neighborhood, or apt to become a nuisance.~~

~~(b) The violation of any of the provisions of this chapter or other ordinance or any act of the legislature of the state regulating the sale or distribution of beverages for which a license for sale is required by this division shall be sufficient cause for the mayor and board of aldermen to refuse to issue a license and shall be sufficient cause for the mayor and board of aldermen to suspend or revoke any license previously issued, after a hearing in chambers, which hearing shall be held in not less than five (5) days after written notice served on the licensee, either in person or by leaving same at the licensed premises, with any employee, agent or representative of such licensee, which notice shall state the causes alleged for suspension or revocation and the time and place of such hearing.~~

~~(Ord. No. 117, §§ 7-9, 7-5-60)~~

~~Sec. 3-29. Term.~~

~~Licenses issued under this division shall expire on the thirty first day of December following the date of purchase.~~

~~(Ord. No. 117, § 2, 7-5-60)~~

~~Sec. 3-30. Renewal.~~

~~All applications for renewal of licenses required by this division must be filed with the clerk of the town on or before November first of each year, for the ensuing year. Any applicant for a renewal of his license for the ensuing year, whose application is filed prior to December thirty-first, may continue to operate under the previous year's license in the event his application has not been acted upon by the mayor and board of aldermen prior to January first following.~~

~~(Ord. No. 117, § 6, 7-5-60)~~

~~Sec. 3-31. Violations.~~

~~The officers or agents in charge of a corporation conducting a business licensed under this division shall be liable to prosecution for the violation of any provision of this division, and shall be punished as provided in section 1-8 of this Code of Ordinances; and any employee or persons in the employ of any licensee, licensed under the provisions of this division, who shall violate any of the provisions of this division shall be punished as provided in such section.~~

~~(Ord. No. 117, § 11, 7-5-60)~~

ALCOHOLIC BEVERAGES

ARTICLE I. - IN GENERAL

Definitions.

The definitions set forth in R.S. 26:2 (Alcohol Beverage Control Law—Definitions) and R.S. 26:241 (Alcohol Beverage Control and Taxation—Definitions), as amended, shall be effective as definitions of the words, terms and phrases used in this chapter. All words, terms and phrases used herein, other than those specifically defined elsewhere in this chapter, shall have the respective meanings ascribed to them in R.S. 26:2 and R.S. 26:241, as amended, and shall have the same scope and effect that the same words, terms and phrases have where used in R.S. 26:2 and R.S. 26:241, as amended.

License required.

It shall be unlawful for any person, firm, corporation or association of person to sell, offer for sale or to have in possession for sale, either directly or in directly, either by wholesale, jobbing or by retail any intoxicating, spiritous, vinous or malt liquor without first obtaining from the mayor or designee a license in said business.

Term of license.

The license referred to in this section shall expire on December 31st following the date of its issuance; the same to be issued by the mayor or designee only upon the conditions herein after set forth and upon the applicant paying the cost of the said license as set forth in hereof.

License fee.

(a) Any person, firm or corporation applying for a license under the terms of this chapter and in accordance with its terms shall before receiving such license pay to the mayor or designee a fee in an amount as established by the mayor and city council from time to time.

(b) Provided, however, that any person applying for a license before the end of the year and who shall be qualified as hereinafter provided may be granted a license expiring December 31, upon payment to the mayor or designee.

Qualifications.

(a) The license herein provided for shall be issued only as hereinafter provided and the holder of any license shall be designated as the licensee. All applications for licenses shall be filed in writing on a form and in the manner required by the mayor and the council, and shall be sworn to by the applicant and accompanied by the affidavit of two responsible citizens of the city, certifying to the qualifications herein required for a license, and no license shall be issued until the application is filed and passed upon and approved by the mayor and the board, who shall approve or reject the application as hereinafter provided for. The renewal of any license at the time of its expiration shall be filed in a written application upon forms provided by the mayor and the board, and shall be considered by the mayor in the same manner as an original application

(b) No license shall be issued except to a person who:

(1) Is of good character and reputation and over 18 years of age. In considering a person's good character or reputation, the administration may consider a person's arrests in determining suitability.

(2) Is a citizen of the United States and the State of Louisiana and a resident of the state continuously for a period of not less than two years next preceding the date of the filing of the application. However, the requirements as to state citizenship do not apply to wholesalers or retailers who held permits on or prior to January 1, 1946.

(3) Is the owner of the premises, has a bona fide written lease therefor, or is a commercial lessor or a noncommercial lessor licensed pursuant to R.S. 4:701 et seq., exclusively for the sole purpose of conducting charitable gaming.

(4) Has not been convicted of distributing or possessing with the intent to distribute any controlled dangerous substance classified in schedule I of R.S. 40:964, on any premises licensed pursuant to this chapter, where the applicant held or holds an interest in the licensed business. The prohibition provided for in this subsection shall be for the lifetime of the offender.

(5) Has not been convicted of a felony under the laws of the state, the United States, or any other state or country.

(6) Is not been convicted in this or in any other state or by the United States or any other country of soliciting for prostitution, pandering, letting premises for prostitution, contributing to the delinquency of

juveniles, keeping a disorderly place, or illegally dealing in controlled dangerous substances.

(7) Is also applying for a video gaming license under the provisions of chapter 6 of title 27 of the state revised statutes of 1950, and has not been convicted in this or in any other state or by the United States or any other country of theft or any crime involving false statements or declarations, or gambling as defined by the laws and ordinances of any municipality, any parish, any state, or the United States.

(8) Has not had a license or permit to sell or deal in alcoholic beverages, issued by the United States, any state, or by any political subdivision of a state authorized to issue permits or licenses, revoked within two years prior to the application, or been convicted or had a judgment of court rendered against the applicant involving alcoholic beverages by this or any other state or by the United States for two years prior to the application.

(9) Has not been adjudged by the commissioner, or convicted by a court of violating any of the provisions of this chapter.

(10) Has not been convicted of violating any municipal ordinances adopted pursuant to the provisions of this chapter. If the applicant has been so convicted, the granting of a permit or of a renewal shall be within the discretion of the city council.

(11) Is not the spouse of a person who does not meet the requirements of subsections (b)(1) and (3) through (10), and (12) of this section; however, in such cases the age of the ineligible spouse shall be immaterial.

(12) Does not owe the state or the local governmental subdivisions in which the application is made any delinquent sales taxes, penalties, or interest, excluding items under formal appeal pursuant to applicable statutes.

(c) Separate licenses shall be required for each and every place where the beverage as herein defined is sold, either by wholesale or retail and location of each place is particularly described. All licenses, when issued, shall be personal to the licensee, and applicable to the location described in the license.

**Unlawful to sell or permit the sale of alcoholic beverages
in any place or building used as a dwelling,
boardinghouse, lodging house or rooming house**

It shall be unlawful for any person to sell or permit the sale of the beverages as herein defined in any manner or form whatsoever in any place or building used as a dwelling, boardinghouse, lodging house or rooming house; provided however that this provision shall not prevent the issuance of a license to and sale by any recognized and duly licensed restaurant or cafe. Nothing herein shall exclude owner and family from residing therein during an emergency.

Refusal to issue license.

The town, under its general police power, shall have the right and authority to refuse to issue any license and shall have the right and authority to cancel any license previously issued whenever the said governing authority thereof shall deem such refusal advisable or cancellation warranted and any sale, either by wholesale or retail, without the license as herein provided in full force and effect is hereby prohibited.

Evidence of valid license.

The only legal evidence that a license has been issued and paid for shall be the appropriate form of license issued by the mayor and the board, and no receipt issued by said officer in place of the license itself shall be valid, provided that nothing herein contained shall be constructed so as to exclude oral evidence of the lost or destroyed license. It is hereby expressly provided that each person, association of persons, firms or corporation required to take out a license under this chapter shall post the same in as conspicuous a place where the business is conducted as possible and to keep same continuously so posted during the life of the license.

Sales generally.

he sale of any intoxicating, spirituous, alcoholic, venous or malt liquors, whether of more or less than six percent of alcohol by volume, is permitted every day except as hereinafter provided, restricted or prohibited.

Hours of sales.

(a) Any and all persons holding a valid permit authorizing the sale of alcoholic beverages under this chapter shall be authorized to sell, serve or dispense such alcoholic beverages on such days and at such hours of the day, except as otherwise prohibited in this chapter, subject to the regulations, restrictions and requirements contained in this chapter. Any and all persons holding any other valid permit issued by the town including, but not limited to,

occupational licenses shall adhere to and abide by all regulations, restrictions and requirements contained in this chapter.

(b) The sale of, serving of, or dispensing of any beverages of high or low alcoholic content between the hours of 2:00 a.m. and 6:00 a.m. on Monday night/Tuesday morning, Tuesday night/Wednesday morning, and Wednesday night/Thursday morning and Thursday night/Friday morning and Friday night/Saturday morning and Saturday night/Sunday morning is prohibited.

(d) The sale of, serving of, or dispensing of any beverages of high or low alcoholic content between the hours of 12:00 a.m. on Sunday and 6:00 a.m. on Monday is prohibited.

Doors locked

Any and all persons holding a valid permit authorizing the sale of alcoholic beverages under this chapter shall have all doors locked between the hours of 2:15 a.m. and 6:00 a.m. on Monday night/Tuesday morning, Tuesday night/Wednesday morning, and Wednesday night/Thursday morning and Thursday night/Friday morning and Friday night/Saturday morning and Saturday night/Sunday and between 12:15 a.m.-6:00 a.m. on Sunday night/Monday Morning. Exception- Nothing here shall prevent owner, workers and security for workers from staying in locked building until work and duties are completed.

Enforcement responsibility.

It shall be the duty of the marshal, or any deputy especially so empowered by the town, to visit in person the several places of business where the beverages as herein defined are sold or may be sold or consumed to ascertain that the provisions of this chapter are strictly carried out.

Unlawful to sell within 300 feet of schools.

It shall be unlawful for any person, firm or corporation to sell spirituous, vinous or malt liquor within a distance of 300 feet of any school, said distance to be measured from the principal front door of the place where such liquors are kept for sale; it shall also be unlawful for any firm, person or corporation to sell any of the liquors herein referred to within 150 feet of any church, said distance to be measured from the principal front door of the church to the principal front door of the place where such liquors are kept for sale.

Nuisance establishments.

Whenever, in the opinion of the mayor and the city council, any place where such liquors as herein permitted are or may be sold under licenses previously issued or to be issued, has been or may be conducted or operated as a dive or disorderly place, in such a manner as to constitute a nuisance, it shall refuse to issue a license to the thereof, and shall revoke by written notice to the proprietor, any license issued thereof under the provisions of this chapter.

Definition of specific terms.

The term "minor" as used in this chapter shall be taken to mean all persons under the age of 21 years.

Penalties.

Each and every violation of any of the provisions of this chapter by any person, association of persons, firm or corporation is hereby declared to be unlawful and, in the event of conviction in the proper court, the violation shall be punished according to the general penalties described in this Code, and in addition thereto the mayor and the city council may revoke any license which has been issued. The license of any person, firm, corporation or association of persons, or any dealer violating any of the provisions of this chapter or any other ordinance, or violating any of the laws of the state and/or the United States, or conducting said business as to have it become a nuisance and against the public good and welfare in the community, may be revoked by the mayor and the city council. No license issued herein is assignable or transferable and once revoked cannot be re-issued to the same person for the same business.

Receiving alcoholic beverages from a minor prohibited.

It shall also be unlawful for any person to buy, receive in exchange for, or accept as a gift any intoxicating or spirituous liquors of whatever nature for a minor.

Unlawful for minor to buy, receive, or accept gift of alcoholic beverages.

It shall be unlawful for a minor to buy, receive in exchange for, or accept as a gift any intoxicating spirituous liquors of whatever nature, or enter into any establishment wherein intoxicating or spirituous liquors are sold.

Definition.

The term "person" as used herein, includes any person, individual, firm or corporation whenever appropriate.

Penalties.

Any person or minor as herein defined, who shall violate any provision of this chapter, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished according to the general penalties described in this Code.

Lack of knowledge of minor's age.

Lack of knowledge of the minor's age shall not be a defense.

Restaurant endorsement permit.

(a) A restaurant endorsement permit shall be an endorsement issued in permit form by the mayor or designee upon his finding that an applicant therefor is operating a bona fide restaurant by having a full and properly equipped kitchen facility and dining room; by finding that the applicant has met proper and applicable health standards; and by finding that at least 50 percent of the applicant's sales are from the sale of food. Said restaurant endorsement permit shall be separate and apart from, and in addition to, any other permits and/or licenses which may be required or issued under this Code.

(b) All applications for restaurant endorsement permits, whether new or renewal, shall be in writing, sworn to, and shall contain the full name of the applicant along with a complete description and true address of the premises on which the restaurant is located. It will be submitted along with all required documents to the mayor or designee for approval. It will further establish that the applicant is operating a bona fide restaurant by having a full and properly equipped kitchen facility and dining room with sufficient employee personnel to operate such facility.

(c) The applicant will submit an affidavit from the local health department showing compliance with all applicable health and sanitary requirements.

(d) The applicant will further be required to submit an affidavit from one qualified in conducting an audit of the business establishment showing that a current audit has been performed and that 50 percent of the sales were from the sale of food.

(e) For new businesses without prior business history on which to base an audit of food sales, the restaurant endorsement permit may be applied for and granted on a temporary basis contingent upon the audit being performed after

the end of the first month's operation, provided the other requirements are met.

(f) The restaurant endorsement permits thus issued shall be effective for periods running concurrently with the firm's applicable liquor license permits and shall be renewable at the same time that liquor licenses are renewable.

(h) A fee shall be paid with each application for a restaurant endorsement permit, which fee shall be in addition to any other fees required under the provisions of this Code. The amount of the application fee shall be as established by the mayor and council from time to time.

(j) Religious, charitable, fraternal, veterans and other private clubs, organizations and facilities, which are nonprofit and tax exempt, licensed under the provisions of this chapter upon certification of a nonprofit and tax exempt status by the mayor or designee shall be permitted to sell beverages described in [section 6-21](#) hereof between the hours of 12:00 noon Sunday and 12:00 midnight Sunday. The mayor or designee shall be required to verify this exempt status by permit, but shall not issue a permit unless the applicant shall have provided him with the following information and documents:

(1) A copy of the charter of the organization, club or facility;

(2) A current, accurate membership roster;

(3) Evidence of tax exempt status issued by the internal revenue service of the United States, which said evidence shall be in such form as is customarily provided by the said internal revenue service.

Violations and penalties.

In addition to the penalties otherwise provided by law, upon the first conviction of violating any of the provisions of this sections, the violator's certificate of qualification and the permits required in this chapter shall be suspended for a period of 15 days commencing the day following the final judgment of said conviction.

In addition to the penalties otherwise provided by law, upon the second conviction of violating any of the provisions of these section, the violator's certificate of qualification and the permits required herein shall be suspended for a period of 30 days commencing the day following the final judgment of said conviction.

In addition to the penalties otherwise provided by law, upon the third or subsequent conviction of violating any of the provisions of these sections, the violator's certificate of qualification and the permits required herein shall be revoked effective the day following the final judgment of said conviction.

Whoever violates any of the provisions of this chapter shall be punished according to the general penalties described in this Code.

Sec. 26—6-57. - Reserved.

ARTICLE II. - LICENSING

DIVISION 1. - GENERALLY

Secs. 58—88. - Reserved.

DIVISION 2. - REVOCATION AND SUSPENSION

Finding of fact.

The city council recognizes the need to regulate certain activities and nuisances which might result in increased crimes and risk to the health and public safety of its citizens.

Such nuisances are discouraged and unwanted, and that such nuisances encourage and increase public health and safety risk, and otherwise cause or contribute significantly to secondary effects and the deterioration of residential neighborhoods, and upon the quality of such neighborhoods and the housing located therein.

Such nuisances can undermine the stability of other established business and commercial uses in the areas in which such nuisances and activities are located or take place, and can cause or contribute significantly to the

deterioration of such other business and commercial uses, thereby causing or contributing to decline in such uses, and inhibition on business and commercial growth, and a resulting adverse impact on local government revenues and property values.

The city council is desirous of establishing a process to regulate and adjudicate such nuisances and activities.

Causes for revocation; suspension.

In addition to any other causes enumerated in this article, the mayor and city council may suspend or revoke any license/permit issued to any business or establishment engaged in the manufacturing, blending, distilling, processing, importing, storage, using, or selling of alcoholic beverages for any of the following causes, after reasonable notice and opportunity to be heard:

-For being adjudged by the mayor and city council or convicted by a court for violation of any ordinance, statute or law or other provision contained in this article.

-For any misstatement or suppression of the fact in the information required to be given by the applicant in applying for a business/license/permit, involving alcoholic beverages.

-If the license/permit was granted to any person who is, or has been, engaged in the business of dealing in alcoholic beverages with a person whose application for a license/permit has been denied, revoked or suspended, in the relationship of spouse, agent, partner, employer, employee or interposed person.

-If any license or permitted business fails to pay any taxes due by him to the city, as the owner or operator of any regulated business within the city.

-Revocation, suspension or denial of a license/permit under this section may cause the revocation or suspension, as the case may be, of any other permit or license for alcoholic beverages held by the same permittee/licensee.

-Failure of the license/permit holder, or designated manager in the absence of the holder, to immediately notify the police of any disturbance, fistful encounter or similar incident occurring on the licensed/permitted property, or violation of any criminal statute or ordinance occurring on the licenses/permitted property of which the owner, manager or person in charge had knowledge or which he should have known.

-Violation of, or failure to comply with, any of the provisions of this article by any person issued a license/permit under this article, or by such person's manager, agent, servant or employee.

-Failure of a licensee/permittee to cooperate fully with any law enforcement agency or its agents in conducting any official investigation which, in any way, involves the licensed premises, the licensed/permit holder, an agent, servant, representative or employee of, or any customer of, or person conducting business with the licensed business, except that no person may be compelled to incriminate himself in violation of state or federal law.

Appeals to the decisions of the mayor and city council pertaining to revocation, suspension, or denial of any license or permit must be filed with the 15th judicial district court within 15 days from receipt of notice of the decision of the mayor and city council, and such appeal may suspend the decision until the matter is decided by the court, or the decision of the mayor and city council will be final.

-The mayor and town council may, after hearing all evidence, elect to warn any licensee/permittee or suspend any suspension or revocation of the license permit, if they find that the violation is of a minor nature, that there are extenuating circumstances, or that there are reasonable grounds to expect that the licensee/permittee will not again violate any of the provisions of this article. If the violation is flagrant or serious or if the licensee/permittee has had his license/permit suspended, the mayor and city council may revoke the license/permit and shall immediately notify applicable state and local authorities of its action.

-If the licensee/permittee has had his license/permit suspended on three occasions, the mayor and city council shall revoke the license/permit of the licensee/permittee after hearing all evidence of the suspensions. The mayor and city council shall immediately notify applicable state and local authorities of this action.

Prohibited acts

-No holder of a license/permit issued by the town under this chapter, or his servant, employee, agent, representative or business association, shall, on any license or permitted premises:

-Commit, attempt, conspire, aid, abet or encourage any persons to commit any acts or things prohibited by this article, by the town ordinances, by the provisions of any applicable state revised statutes or laws or applicable laws of the United States pertaining to:

-Any alcoholic beverages;

-Any illegal distribution or intent thereof of any controlled dangerous substance;

-Soliciting for prostitution;

-Pandering;

-Letting premises for prostitution;

-Gambling;

-Letting premises for gambling;

-Contributing to the delinquency of juveniles; or

-Keeping a disorderly place.

-Without the proper license/permit, allow or encourage any person to consume any alcoholic beverage on the license's premises, or on any parking lot or open or closed parking space within or contiguous to the licensed premises.

-Permit any employee or for any employee to consume any alcoholic beverage on the licensed premises during hours of operation of the business during the working hours of such employee.

-Provide off-premises delivery service of any alcoholic beverages excepting those businesses licenses as wholesale dealers and persons or businesses operating a recognized catering service for off-premises functions.

-Any person aiding, abetting or participating in any violation of this chapter with any license/permit holder, or agent, servant, employee or business associate of such holder, shall be equally guilty of a violation of this article, and shall be punished as provided herein.

-Any person who, as a business, dispenses in any manner any alcoholic beverages without the proper license/permit shall have the premises of such business place closed and sealed from entry, and any alcoholic beverages therein shall be seized by the mayor and city council.

-No holder of a license and/or permit issued under this chapter or his servant, employee, agent, representative, or business associate, shall, on any licensed premises, expose or allow to be exposed or displayed with less than full opaque covering, of any portion of a person's genitals, pubic area, buttocks or that portion of the breast lower than the edge of the areola in any area of the licensed premises. Violation may result in revocation of the license and/or permit.

Miscellaneous provisions.

- (a) *Notification of arrests, violation.* The chief of the police department shall promptly notify the mayor and city council of any and all arrests or charges at any business establishment licensed or permitted under this article, which involve the holder of the license for that establishment, or any agent, servant or employee of same, and which arrest and charges relate to the violations of this article; and the chief of police is hereby directed to charge the licensee, agent, servant or employee of same, as the case may be, with such violation before the proper court, which in turn will notify the mayor and city council of all convictions resulting therefrom. The chief of police shall furnish any reasonable request for assistance by the mayor and city council or its authorized representative for the purpose of enforcing this article.
- (b) *Delivery of written notice of decision to warn, deny, etc., license or permit.* Written notice of a decision by the mayor and city council to warn, deny, suspend or revoke any license or permit shall be sent immediately to such state officer, departments or agencies as may have jurisdiction over or interest in such licenses/permits, with a request that the state take like action.
- © *License permit for person or premises after revocation.* When any license permit issued under this article is revoked, no license shall be issued to the licensee permit holder whose license permit has been so revoked, regardless of where he intends to operate his business, for a period of one year following the revocation. Nothing, however, shall prevent another person from being granted a license permit under this article for the same premises.
- (d) *Posting public notices.* Every retail dealer licensed or permitted by the city, shall, upon receipt thereof, post any public notices, as may be required by the mayor and city council, in the licensed premises in a conspicuous place, in full public view, subject to inspection.

(e) *Citation.* The mayor and city council, city officials, governing bodies and law enforcement authorities have the right to have licensee/permittee cited by the mayor and city council to show cause why a license/permit, should not be revoked.

(f) *Costs of hearings.* In hearings of the mayor and city council which finally result in withholding the issuance of a license/permit or in suspending or revoking same, the mayor and city council shall assess any cost of the hearing to the applicant or recoverable by the mayor and city council in any appellate proceeding instituted by the applicant or licensee/permittee or in any other judicial proceeding.

(g) *Inspection of premises, documents.* As a consideration in being issued a license/permit by the city, to operate a business covered by this article, the licensee/permit holder agrees that the licensed property and any sales records, purchase records, and any documents which relate to the purchase, sale, dispensing, manufacturing, blending, distilling, processing, importing, using of alcoholic beverages required herein shall be available for inspection upon the request of any agency, or its representative, empowered to enforce this article.

(h) *Selling alcoholic beverages on premises with suspended license/permit.* Should any license/permit of a business be suspended by the mayor and the city council, it shall be a violation of this article for any person to sell any alcoholic beverages on the premises, and any person taking over ownership or operation of said business during the suspension period shall be required to wait 15 days after the date of the imposition of suspension before an application shall be submitted to the mayor and city council for approval or disapproval.

(i) *Notification to chief of police department.* Upon suspension or revocation of a business license under this article, the mayor and city council shall immediately notify the chief of the police department of the action of the mayor and city council, and the city clerk shall immediately cause to be published one time in the official journal of the city, notice of such suspension or revocation.

Application.

The provisions of this article shall be applicable to any business or establishment, holding a permit, license, or certificate issued pursuant to the provisions of R.S. 26:71(A)(3)(a), 26:71.1, 26:72, 26:73, 26:271(A)(2), 26:271.1, 26:271.2, and 26:272 where said establishment is operated primarily for the sale of alcoholic beverages over a counter and where said alcoholic beverages are sold to be consumed on the premises, and to those businesses holding a license or permit from the town.

Secs. 94—114. - Reserved.

This ordinance having been submitted to a vote in regular session assembled of the Mayor and Board of Aldermen of the Town of Church Point, Louisiana, the vote thereon being as follows:

MOTION: O'PRY

SECOND: COMEAUX

YEAS: LEBAS, CORMIER, SEMIEN

NAYS: NONE

This ordinance is declared adopted on this 9th day of September, 2019.

THIS ORDINANCE SHALL BECOME EFFECTIVE UPON THE
MAYOR'S SIGNING SUCH AND THE PUBLISHING OF SUCH IN
THE CHURCH POINT NEWS.

RYAN MECHE

Mayor

ATTEST:

ROWDY LATIOLAIS

Municipal Clerk