

**AN ORDINANCE**

AN ORDINANCE to levy a permit fee upon all persons, firms, or corporations, who may engage in the business of selling at retail or wholesale within the corporate limits of Choudrant, Louisiana, during the year 1974 and subsequent years of beverages of low alcoholic content containing more than ½ of 1 percent of alcohol by volume and not more than 6 percent of alcohol by volume and beverages of high alcoholic content; fixing the time when said permit fee shall become due and when it shall become delinquent; providing for the enforcement of this Ordinance; providing for the regulation of all persons, firms, corporations, or association of persons, engaged in the sale of beverages of low and high alcoholic content at retail; providing penalties and revocation of permit for violation hereof; to fix the effective date of this Ordinance; and to repeal all Ordinances or parts of Ordinances in conflict herewith;

BE IT ORDAINED by the Mayor and Board of Aldermen of the Town of Choudrant, Louisiana, in special session convened, that:

**SECTION 1.**

For the purposes of this Ordinance, the following terms have the respective meanings ascribed to them in this Section, except in those instances where the context indicates a different meaning:

- (1) "Alcoholic beverages" means any fluid or any solid capable of being converted into fluid, suitable for human consumption, and containing more than one-half of one percent alcohol by volume, including malt, vinous, spirituous, alcoholic or intoxicating liquors, beer, porter, ale, stout, fruit juices, cider or wine.
  - (a) "Beverages of low alcoholic content" means alcoholic beverages containing not more than six percent (6%) alcohol by volume.
  - (b) "Beverages of high alcoholic content" means alcoholic beverages containing more than six percent (6%) alcohol by volume.
- (2) "Malt beverages" means beverages obtained by alcoholic fermentation or an infusion or concoction, of barley or other grain, malt, and hops in water, including, among other things, ale, beer, stout, porter, and the like.
- (3) "Wholesale Dealer" means those persons who sell alcoholic beverages to licensed wholesale dealers or licensed retail dealers within the State or to any person for delivery beyond the borders of the State.
- (4) "Retail Dealer" means every person who offers for sale, exposes for sale, has in his possession for sale or distribution, or sells alcoholic beverages of any quantity to persons other than licensed wholesale or retail dealers.
- (5) "Package House" means a place where a person sells alcoholic beverages in closed containers, prepared for transportation and consumption off the premises.
- (6) "Collector" means the Collector of Revenue for Louisiana, or his duly authorized agents.
- (7) "handle" means sell, use, distribute, store, consume or otherwise handle.

**SECTION 2A**

There is hereby levied an annual permit fee for the year 1974 and subsequent years against all persons, firms, corporations, etc., who may during the year 1974 and subsequent years, engage in the business of selling, either retail or wholesale, in the corporate limits of Choudrant, Louisiana, beverages of low alcoholic content, as follows, to-wit:

1. Wholesale	\$75.00
2. Class A Retail Dealer (on premises consumption)	\$35.00
3. Class B Retail Dealer (off premises consumption)	\$25.00

**SECTION 2B**

There is hereby levied an annual permit fee for the year 1974 and subsequent years against all persons, firms, corporations, etc., who may during the year 1974 and subsequent years, engage in the business of selling, either retail or wholesale, in the corporate limits of Choudrant, Louisiana, beverages of high alcoholic content, as follows, to-wit:

1. Wholesale	\$500.00
2. Retail Dealer	\$500.00

**SECTION 3**

No person shall do any act for which a permit is required by this Ordinance unless he holds the proper State and local permit. Each day's business by a wholesaler or retailer without such a valid, unsuspended permit constitutes a separate violation of this Ordinance.

**SECTION 4**

Permits issued under this Ordinance are not assignable or heritable and are good only from the time of issuance to December 31<sup>st</sup> of the year for which issued, unless sooner suspended or revoked.

Where the location of the business is changed, the change shall be noted on the permit by the issuing authority.

The permit shall be prominently displayed by the licensee in his place of business so as to be easily seen and read by the public.

#### **SECTION 5**

All applications for permits for new businesses shall be filed with the Mayor of the town of Choudrant, Louisiana, and shall be accompanied by a cashier's check or money order in the proper amount payable to the Town of Choudrant, Louisiana.

#### **SECTION 6**

In the event a business shall commence prior to July 1 of any year, a whole year's permit fee shall be paid and collected, and if said business shall commence subsequent to July 1<sup>st</sup> of any year, two-thirds (2/3rds) of the annual permit fee shall be paid and collected.

#### **SECTION 7**

Should any retail dealer or wholesale dealer fail to file his application for renewal of the permit for any ensuing year on or before the 1<sup>st</sup> day of November of each year, a penalty shall be imposed of 25 percent of the amount due for the permit applied for. If the application for the renewal of a permit is not filed until, on, or after January 1 of the year for which the permit is required, the application may be denied without notice or hearing and the applicant's right to do business suspended.

#### **SECTION 8**

- (A) Applicants for State and local permits of all kinds shall meet the following qualifications and conditions:
- (1) Is a person of good character and reputation and over eighteen (18) years of age.
  - (2) Is a citizen of the United States and of the State of Louisiana and a resident of the State of Louisiana continuously for a period of not less than two (2) years next preceeding the date of the filing of the application.
  - (3) Is the owner of the premises or has a bona fide written lease therefor.
  - (4) Has not been convicted of a felony under the laws of the United States, the State of Louisiana, or any other State.
  - (5) Has not been convicted in this or any other State or by the United States for soliciting for prostitution, pandering, letting premises for prostitution, contributing to the delinquency of juveniles, keeping a disorderly place, or illegal dealing in narcotics.
  - (6) Has not had revoked a license or permit to sell or deal in alcoholic beverages issued by the United States or any other State for five (5) years prior to the application, or been convicted or had judgment against him involving alcoholic beverages by this State or any other State or the United States for five (5) years prior to the application.
  - (7) Has not been convicted of violating any of the provisions of the State laws regulating the sale of alcoholic beverages.
  - (8) Has not been convicted of violation of the provisions of this Ordinance, the granting or denial of a permit is within the discretion of the Mayor and Board of Aldermen of the Town of Choudrant, Louisiana.
  - (9) Is not the spouse of a person whose application has been denied or whose permit has been revoked, unless judicially separated or divorced.
- (B) If the applicant is a partnership or anyone in partnership with or financed by another, all members of the partnership or all persons furnishing the money shall also possess all the qualifications required of the applicant. The application shall name all partners or financial backers and furnish their proper addresses.
- If the applicant is a corporation, all officers and directors and all stockholders owning in the aggregate more than five percent (5%) of the stock and the person or persons who shall conduct or manage the business shall possess the qualifications required of an applicant. However, the requirement as to residency does not apply to officers, directors and stockholders of corporations.
- If the applicant's business is to be conducted wholly or partly by one or more managers, agents, servants, employees or other representatives, that person shall also possess the qualifications required of the applicant.
- (C) If the applicant, or any other person required to have the same qualifications, does not possess the required qualifications, the permit shall be denied.

#### **SECTION 9**

No permit shall be granted for any premises situated within three hundred (300) feet or less 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. With respect to beverages of high alcoholic content, the measurement of this distance shall be made from the nearest point of the property line of the church, synagogue, library, playground, or school to the nearest point of the property line of the premises to be licensed, or by such other method as may hereafter be prescribed by the laws of Louisiana. With respect to beverages of low alcoholic content, this distance 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, or by such method as may hereafter be prescribed by the laws of Louisiana. The restrictions contained in this section do not apply to premises which are maintained as a bona fide hotel, railway car, or fraternal organization, nor to any premises licensed to deal in alcoholic beverages.

## **SECTION 10**

Any misstatement or suppression of fact in an application or accompanying affidavit is a ground for denial of a permit.

## **SECTION 11**

No person holding a retail dealer's permit and no servant, agent, or employee of the permittee shall do any of the following acts upon the licensed premises:

- (1) Sell or serve beverages of either low or high alcoholic content to any person under the age of eighteen (18) years.
- (2) Sell or serve beverages of either low or high alcoholic content to any intoxicated person.
- (3) Intentionally entice, aid, or permit any person under the age of seventeen (17) years to visit any place where alcoholic beverages are the principal commodity sold or given away.
- (4) Permit any prostitute to frequent the licensed premises.
- (5) Permit any disturbance of the peace or obscenity, or any lewd, immoral or improper entertainment, conduct, or practices on the licensed premises.
- (6) Sell, offer for sale, possess, or permit the consumption on the licensed premises of any kind or type of alcoholic beverages, the sale or possession of which is not authorized under his permit.
- (7) Intentionally conduct illegal gambling, as defined by law, on the premises described in the application for the permit.
- (8) Employ or permit females, commonly known as "B Girls" to frequent the premises and solicit patrons for drinks or to accept drinks from patrons and receive therefor any commission or any remuneration in any other way.
- (9) Employ anyone under eighteen (18) years of age when the sale of alcoholic beverages constitutes the main business. If alcoholic beverages do not constitute the main business, an employee under eighteen (18) years of age shall not handle or work with alcoholic beverages.
- (10) Fail to keep the licensed premises well lighted and all outside windows and doors open to view from the sidewalk or outside.
- (11) Permit the playing of pool or billiards by any person under eighteen (18) years of age, or permit such a person to frequent the licensed premises operating a pool or billiard hall.

Violation of this Section is punishable as provided in Section 15 and is also sufficient cause for the suspension or revocation of a permit as provided by State laws.

## **SECTION 12**

In addition to any other causes enumerated in this Ordinance, the Mayor and Board of Aldermen of the town of Choudrant, Louisiana may deny any permit for any one (1) of the following causes:

- (1) If the holder of a permit to sell alcoholic beverages, or any of the persons who must possess the same qualifications fails to possess the qualifications required in Section 8.
- (2) If the permit was granted to any person who is or has been engaged in an alcoholic beverage business with a person whose application for a permit has been denied or whose permit has been revoked.
- (3) If there was any misstatement or suppression of fact in the application for the permit.
- (4) If the holder of any permit has been convicted by any Court of competent jurisdiction of any one (1) of the following offenses:
  - (a) Violation of the Sunday Closing Law;
  - (b) Violation of any Municipal or Parish Ordinance providing for Sunday Closing hours.
- (5) If, without a proper license, a retailer allows any person to consume any alcoholic beverage on the licensed premises or on any parking lot or open or closed space within or contiguous to the licensed premises.
- (6) If any dealer or any person described in Section 8 (B) of this Ordinance violates or has violated any provision of this Ordinance.
- (7) If any dealer fails to pay any excise taxes due by any regulated business to the State or to any Parish or Municipality.

## **SECTION 13.**

No person holding a retail dealer's permit and no servant, agent or employee of the permittee, shall sell or serve any beverage of a low alcoholic content or of a high alcoholic content or any malt beverage as defined herein between the hours of Midnight and 6:00 o'clock A.M. and/or between the days of Saturday at Midnight and Monday at 6:00 o'clock A.M.

## **SECTION 14.**

Any retail liquor dealer making delivery of spirits, wine, beer, or other malt liquors, or any retail dealer in malt liquors making delivery of beer or other malt liquors, at places other than the place of business specified on the permit, except pursuant to prior specific orders therefor received at such place of business, is subject to separate tax as retail liquor dealer, or retail dealer in fermented malt liquor, as the case may be, at such place where such sales are made. Each such dealer who has paid the tax at one place of business does not incur further tax for the sales of beer or other malt liquors to another such dealer holding a proper tax stamp if the sales are consummated at the place of business where the latter's tax stamp is held.

## **SECTION 15.**

Any person, firm, corporation, or association of persons convicted of violations of provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction of the first violation shall be fined not more than One Hundred Dollars (\$100.00) or imprisoned for not more than thirty (30) days, or both, and said conviction shall be grounds for revocation or suspension of a violator's permit, which permit may be revoked according to the laws of this State.

**SECTION 16.**

In view of the fact that no ordinances, rules or regulations exist in the Town of Choudrant with respect to regulating the business of selling and dealing in and with beverages of low and high alcoholic content and of the other matters provided for in this Ordinance, an emergency is hereby declared to exist in the town of Choudrant, Louisiana with respect to the need for such regulations, and therefore, the provisions of this Ordinance shall take effect immediately upon its adoption.

**SECTION 17.**

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed; and if any part of this Ordinance is declared illegal or unconstitutional, it shall not affect such other part or parts of this Ordinance which would be valid but for the part declared unlawful, illegal or unconstitutional.

The above Ordinance was read by sections and as a whole and, upon being put to an official vote, was adopted by the following yea and nay vote:

YEA: -S- Iley L. Barr  
-S- Joe R. Aswell  
-S- W.G. Kelly

NAY: none

ABSENT: none

And the ordinance was declared adopted on this 19<sup>th</sup> day of July, 1974

-S-  
W.G. Kelly  
CLERK

-S-  
Lynn Sanderson  
MAYOR