

Sec. 3-3. - Special provisions on liquor permits.

- (a) Restrictions on class A and class B liquor permits. Except as provided for in subsection (c) hereinbelow, no class A or class B liquor permits shall be issued by the municipality for places of business in the following areas of the Town of St. Francisville, and no alcoholic beverages shall be sold therein pursuant to a class A or class B liquor permit:

Any area having historic significance, such areas being defined as follows: (1) Areas recognized as having historic significance by the United States Department of the Interior and entered into the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966, which areas are more specifically defined as Ferdinand Street, Sewell Street, and Royal Street; and/or (2) Any area zoned historic district by the municipality.

- (b) Class "AR" restaurant liquor permits.

(1) The municipality shall issue, on proper application and payment of an administrative fee, a special class "AR" restaurant liquor permit to any restaurant establishment, as defined in subsection (2) hereinbelow, for the sale of beverages of high and low alcohol content.

(2) For purposes of this section, "restaurant establishment" shall be defined as and establishment which does all the following:

- a. Operates a place of business whose purpose and primary function is to take orders for and serve food and food items;
- b. Serves alcohol beverages in conjunction with meals;
- c. Serves food on all days of operation;
- d. Maintains separate sales figures for alcoholic beverages;
- e. Grosses sixty (60) percent of its average monthly sales from the retail sale of food or food items that are prepared for service and consumption on the premises of the establishment;
- f. Operates a fully equipped kitchen used for the preparation of uncooked foods for service and consumption of such foods on the premises.

(3) Application and issuance of class "AR" restaurant liquor permits.

a. The permit provided for in this section shall be applied for and issued annually as determined by the governing body.

b. Applications for class "AR" restaurant liquor permits shall be in writing, be sworn to in front of a notary public, and shall contain the following:

1. The full name of the applicant.
2. A complete description and correct address of the premises in which the restaurant is located.

(4) All applications shall be accompanied by a permit fee of two hundred and fifty dollars (\$250.00), which shall be remitted to the municipality upon completion of the application.

(5) The permit shall be revoked upon failure to meet or maintain criteria required for the permit.

- (c) Notwithstanding the provisions of subsection (a) hereinabove, and if all other pertinent qualifications and conditions of this section are satisfied, the municipality shall issue a class "AR" restaurant liquor permit for a restaurant establishment, as defined in subsection (b)(2)

hereinabove, if the restaurant is located within an area having historic significance as defined in paragraph (a) hereinabove.

- (d) Should any part of this section be declared unconstitutional or otherwise void, than that part shall be considered deleted, but the entire remainder of this section, nonetheless, shall remain in full force and effect.

(Ord. No. 2004-2, 4-13-04)

Editor's note—

Ord. No. 2004-2, adopted April 13, 2004, amended section 3-3 in its entirety to read as herein set out. Former section 3-3 pertained to restriction on liquor permits, and derived from Ord. No. 1980-2, 2-26-80; Ord. No. 1993-4, 7-13-93.

Sec. 3-4. - Application for permit—Form.

All applications for permit shall be in writing and sworn to and shall contain the full name and correct home address of the applicant and an accurate description and address of the business premises. The application shall include an affidavit of the applicant that the applicant meets the qualifications and conditions of R.S. 26:79 and 26:279. Unless applicant is seeking a renewal of permit, an applicant for a retail dealer's permit shall attach to the application a certificate of publication by the publisher of the newspaper showing the publication of the notice required by R.S. 26:79 and 26:279. All applications for class A and all applications for class A-R permits, other than renewal of permits, shall be accompanied by the certificate of occupancy or an occupancy permit from the office of the state fire marshall specifying the number of people allowed on or in the premises during operation of business.

(Code 1979, § 10-2002; Ord. No. 2005-7, 4-26-05)

Sec. 3-5. - Same—Submission; probation.

All applications must be mailed or delivered to the municipal clerk within twenty-four (24) hours of the application for a state permit, and if the applicant fails to do so the application may be withheld and the permit denied. The governing body may issue a permit immediately after proper investigation, but for a period of thirty-five (35) days after receipt of the application, the permittee shall operate on a probationary basis subject to final action on opposition to, or withholding of the permit.

(Code 1979, § 10-2003)

Sec. 3-6. - Same—Qualification of applicant.

Applicants for permits under this chapter shall meet the qualifications and conditions required of applicants for state permits as outlined in R.S. 26:79-106 and 26:279.

(Code 1979, § 10-2004; Ord. No. 1984-3, 2-28-84)

Sec. 3-7. - Permit fees—Beverages of high alcoholic content.

- (a) The annual permit fee required of a dealer in beverages of high alcoholic content shall be as follows:

- (1) Sales for on-premises consumption\$215.00
- (2) Sales for off-premises consumption of packaged alcoholic beverages150.00

- (b)

In the case of a new business, a half year permit may be purchased, provided the permit is applied for before July first and provided the applicant does not start selling the alcoholic beverages until July first. The half-year permit fee shall be as follows:

- (1) Sales for on-premises consumption\$107.50
- (2) Sales of packaged alcoholic beverages for off-premises consumption\$75.00

State law reference— Maximum authorized fees, R.S. 26:73.

Sec. 3-8. - Same—Beverages of low alcoholic content.

The annual permit fee required of a dealer in beverages of low alcoholic content shall be as follows:

- (1) Sales for on-premises consumption\$35.00
- (2) Sales of packaged alcoholic beverages for off-premises consumption25.00

(Code 1979, § 10-2008)

Sec. 3-9. - Zoning compliance; proximity to playgrounds, etc.; health, safety, etc.; compliance; wholesaler requirements.

- (a) For purposes of this section, the term "premises" shall mean the specific building or structure for which a permit is to be issued or, in the case of a building or structure with space for two (2) or more businesses, only that part of the building or structure for which a permit is to be issued.
- (b) No permit shall be granted in contravention of any applicable zoning regulation.
- (c) No permit shall be granted for any premises situated within three hundred (300) feet of any public playground, ball park, hospital, or of a building used exclusively as a church, synagogue, public library or school, except a business college. The measurement of this distance shall be made from the nearest point of the property line of the public playground, ball park, or hospital or of a building used as a church, synagogue, public library or school to the premises to be licensed. This distance shall be measured as a person walks using the sidewalk or normal route used by pedestrians from the nearest point of the property line of the public playground, ball park, hospital, church, synagogue, public library or school to the nearest point of premises to be licensed.
- (d) No permits shall be issued where such issuance would be in derogation of public health, safety, morals and peace. It shall be incumbent upon the applicant to establish that issuance of permit will not be in derogation of the above-mentioned factors.
- (e) The prohibition of this section does not apply to any premises maintained as a hotel, railway car or fraternal organization, nor to any premises which have been licensed to deal in alcoholic beverages for a period of one (1) year or longer prior to the adoption of the ordinance from which this section is derived.
- (f) No wholesale permit shall be issued to or held after issuance by any person unless at all times throughout the licensed year the person meets standards set forth in R.S. 26:80 for wholesale dealers.
- (g) Persons engaged primarily in the sale, handling, distribution and storage of alcoholic beverages which are ultimately delivered or transported beyond the borders of the state are exempt from complying with the standards above set forth.

(Code 1979, § 10-2005; Ord. No. 1984-4, 2-28-84; Ord. No. 1989-5, 11-7-89)

Sec. 3-10. - Renewal of permit; delinquency penalties.

- (a) Persons holding permits as dealers in beverages of alcoholic content shall file an application for renewal of the permit and pay the permit fees on or before November first of each year. If a dealer fails to file the application and pay the permit fee by that date, there shall be added to the fee, in addition to other penalties provided by state law, a delinquency penalty of five (5) percent if the failure is for not more than thirty (30) days with an additional five (5) percent for each additional thirty (30) days or fraction thereof during which the failure continues.
- (b) Persons holding permits as dealers in beverages of low alcoholic content shall file applications for renewal of the permit for the ensuing year on or before May first. Anyone filing renewal application after that date shall be charged a delinquency penalty of twenty-five (25) percent over and above the regular fee.
- (c) A renewal permit may be withheld or denied on the same ground and in the same manner as an original permit.

(Code 1979, § 10-2006)

Sec. 3-11. - Suspension and revocation of permit.

- (a) The governing body may suspend or revoke permits issued to retail dealers in beverages of high alcoholic content for causes set forth in R.S. 26:88 and 26:89; and may suspend or revoke permits issued to retail dealers in beverages of low alcoholic content for causes set forth in R.S. 26:285 and 26:286.
- (b) Before any permit is suspended or revoked the holder shall be entitled to a hearing before the mayor and board of aldermen and the hearing and notice of that hearing shall comply with the requirements of R.S. 33:4787. The holder of the permit shall be entitled to appeal to the district court pursuant to R.S. 33:4788.

(Code 1979, § 10-2009)

Sec. 3-12. - Taxes on beverages of low alcoholic content.

- (a) In addition to all other licenses and taxes which may be imposed, there is hereby imposed on the amount of beverages of low alcoholic content sold and consumed within the municipal limits a tax of one dollar and fifty cents (\$1.50) per standard barrel of thirty-one (31) gallons. The tax imposed under this section shall be collected by the collector of revenue of the state and remitted to the municipality each quarter in accordance with the laws of the state and the rules of the collector.
- (b) If a dealer in beverages of low alcoholic content fails to file a return and pay the tax due on the beverages within the time provided in R.S. 26:345, the dealer shall be subject to a penalty of five (5) percent on the amount of the tax if the period of delinquency is ten (10) days or less or twenty (20) percent on the amount of the tax if the period of delinquency is greater than ten (10) days. If an attorney is called on to assist in collection, there shall be an additional sum due equal to ten (10) percent of both the amount of the penalties and tax due.

(Code 1979, § 10-2010; Mo. of 8-25-81)

State law reference— Authority, R.S. 26:493.

Sec. 3-13. - Sale to incompetents.

No person shall sell, serve, give or deliver any alcoholic beverage to or procure or aid in the procurement of any alcoholic beverages for any habitual drunkard or person of unsound mind, knowing that the person buying, or receiving service of the alcoholic beverages is an habitual drunkard or a lunatic.

(Code 1979, § 10-2012)

Sec. 3-14. - Sale by minors.

- (a) It shall be unlawful for any person to permit any person under the age of eighteen (18) to sell or serve alcoholic beverages, including wines and beer.
- (b) It shall be unlawful for any retailer or dispenser knowingly to employ any person under the age of eighteen (18) years in the sale and service of alcoholic beverages.

(Code 1979, § 10-2013)

Cross reference— Sale to minors, § 8-106.

State law reference— Similar provisions, R.S. 26:88A(c)9(a).

Sec. 3-15. - Closing hours.

- (a) Any person licensed to and selling, serving or dispensing alcoholic beverages at retail under this chapter shall be closed during the following hours:
 - (1) Between the hours of 2:00 a.m. to 6:00 a.m. weekdays.
 - (2) Between the hours of 2:00 a.m. to 8:00 a.m. Sundays.
 - (3) Between the hours of midnight Sunday to 6:00 a.m. Monday.
- (b) In addition to the restrictions under subsection (a), any permittee licensed to sell at wholesale under this chapter shall be closed between the hours of 2:00 a.m. Sunday and 12:00 midnight Sunday.
- (c) Restaurants, grocery stores, drug stores, or other businesses exempted from the provisions of R.S. 51:191, by the provisions of R.S. 51:192, may remain open for the sale of items permitted by R.S. 51:192.

(Code 1979, § 10-2014; Mo. of 1-8-85)

Sec. 3-16. - Chief of police to inspect permittees.

It shall be the duty of the chief of police or other police officer especially so empowered by the municipality to periodically investigate the business of all permittees under this chapter in order to ascertain that the provisions of this chapter and laws of the state are being strictly carried out.

(Code 1979, § 10-2015)

Sec. 3-17. - Violations.

Any person convicted of violating any provision of this chapter, except sections 3-12 and 3-20 through 3-25, shall be punished as provided in section 1-8, and in addition to the penalty shall forfeit the right to a permit; and the permit shall be revoked.

(Code 1979, § 10-2017)

Sec. 3-18. - Special liquor permits.

The mayor and board of aldermen shall have the power, upon written request as provided hereinbelow, to waive the requirement of any nonprofit organization with tax-exempt status under the United States Revenue Code, Sections 501(c)(3) and 501(c)(8), or any other nonprofit organization to hold a permit to serve alcoholic beverages at functions such as fairs, dances, and other social events sponsored by the organization, the proceeds of which will be used solely for charitable, religious or other public service purposes, when such functions will not continue for a period in excess of three (3) days. Any organization applying for a special permit under this section shall make application in

writing at least thirty (30) days prior to the event, and the application shall designate the site of liquor sales, which must be in a stationery place rather than a movable vehicle or structure moved about during the period provided for in the permit issued. In every other respect, organizations receiving special permits according to this section shall conform to all state and local ordinances.

(Ord. No. 1988-7, 10-11-88)

Sec. 3-19. - Reserved.

ARTICLE II. - BAR EMPLOYEE PERMIT

Sec. 3-20. - Applicability of article.

This article shall be applicable to all persons employed in a bar, lounge, or other business establishment which has a class A retail liquor permit, and which persons are employed therein as waitresses, waiters, or bartenders, or employed in any capacity mixing and/or serving alcoholic beverages, including beer.

(Ord. No. 1984-2, 2-28-84)

Sec. 3-21. - Permit required, application.

- (a) No person shall be employed as defined in section 3-20 without first having applied for and received a permit from the municipality to be so employed.
- (b) The application for permit herein shall consist of Schedule A on the application for retail or package liquor permit. The applicant shall declare on the application for retail or package liquor permit the location of such person's employment, using the location address as called for on said application. All applications for permit under this section shall be in writing and sworn to, and shall contain the full name of the applicant, the applicant's correct home address and last previous address, the applicant's driver's license number and social security number, and an accurate name or description and address of the business premises where employed.

(Code 1979, § 10-2016(a), (b); Ord. No. 1984-2, 2-28-84)

Sec. 3-22. - Fee; issuance.

- (a) The fee for the permit of this article shall be five dollars (\$5.00).
- (b) If all requirements of the municipality and the state have been satisfied, the permit shall issue immediately upon the applicant's paying the fee and filing the sworn application with the municipal clerk. The clerk shall have the right to inspect the applicant's driver's license and social security card before issuing the permit.

(Code 1979, § 10-2016(c); Ord. No. 1984-2, 2-28-84)

Sec. 3-23. - Denial.

The municipality may deny a permit applied for herein to any person convicted of a felony under the laws of the United States, this state or any other state. A permit may also be denied for any person who has been convicted in this state or any other state or by the United States of soliciting for prostitution, pandering, letting the premises for prostitution, contributing to the delinquency of juveniles, keeping a disorderly place, letting a disorderly place, or dealing in narcotics.

(Ord. No. 1984-2, 2-28-84)

Sec. 3-24. - Notice of information changes.

Any person with a permit under this article shall be responsible for notifying the clerk of all changes regarding the information called for in the application for permit. Such notice shall be in writing and must be made within ten (10) days of the change.

(Code 1979, § 10-2016(d); Ord. No. 1984-2, 2-28-84)

Sec. 3-25. - Violations.

All violations of this article, including but not limited to supplying false information on the application for permit, failure to file an application for and receive a permit, and failure to notify the clerk of all changes regarding information called for in the application for permit shall be punishable as provided in section 1-8 for each violation.

(Code 1979, § 10-2061(e); Ord. No. 1984-2, 2-28-84)

Secs. 3-26—3-35. - Reserved.

ARTICLE III. - OPEN CONTAINER LAW

Sec. 3-36. - Public drinking defined.

"Public drinking" is the imbibing or drinking of any type of alcoholic beverage of an alcoholic content in or on any public street, alley, sidewalk, right-of-way, park, playground, square, or unenclosed public place in the city.

(Ord. No. 1989-4, § A, 11-7-89)

Sec. 3-37. - Public drinking prohibited generally; exception for special events.

It shall be unlawful for any person to drink any alcoholic beverage of either high or low alcoholic content in or upon any public street, alley, sidewalk, right-of-way, park, playground, square or unenclosed public place in the city at any time other than special events as defined by article VI of chapter 13 of this Code and only then as approved by the mayor and board of aldermen.

(Ord. No. 1989-4, § B, 11-7-89)

Sec. 3-38. - Carrying or drinking from open containers in public prohibited.

It shall be unlawful for any person to carry an opened glass, plastic container, drinking glass or opened metal container containing any alcoholic beverage of either high or low alcoholic content, or drink any such alcoholic beverage from any such opened glass, paper, metal, plastic or other container, in or on any public street, sidewalk, right-of-way, park, playground, square or unenclosed public place in the city.

(Ord. No. 1989-4, § C, 11-7-89)

Sec. 3-39. - Removal from parking lots or business property prohibited.

It shall be unlawful for any person to remove any opened drinking containers containing alcoholic beverages of high or low alcoholic content in or upon the parking lot or other property belonging to any premises licensed to sell beverages of high or low alcoholic content pursuant to a Class B liquor license or pursuant to a Class A liquor license after the business establishment is closed.

(Ord. No. 1989-4, 11-7-89)

Sec. 3-40. - Removal of open container from lounges, restaurants, etc., prohibited.

For the purpose of discouraging public drinking, it shall be unlawful for any person to remove an opened container containing alcoholic beverages from any duly licensed business, lounge, restaurant or other establishment licensed to sell the same pursuant to a Class B liquor license or pursuant to a Class A liquor license after the business establishment is closed.

(Ord. No. 1989-4, 11-7-89)

Sec. 3-41. - Penalty for violation.

Upon conviction of the provisions of this article, the offender shall be fined not more than five hundred dollars (\$500.00) and/or imprisoned for no more than thirty (30) days.

(Ord. No. 1989-4, 11-7-89)