

AN ORDINANCE PROVIDING FOR PERMITS,
REGULATION AND CONTROL OF CERTAIN
ALCOHOLIC BEVERAGES

BE IT ORDAINED THAT

SECTION 1. TITLE

 This ordinance may be referred to as the "High Content Alcoholic Beverage Control Ordinance".

SECTION 2. EFFECTIVE DATE

 The effective date of this Ordinance shall be January 1, 1976.

SECTION 3. DEFINITIONS

 For purposes of this Chapter, the following terms have the respective meanings ascribed to them in this Section, unless a different meaning clearly appears from the context:

 (1) "Alcoholic beverages" means any fluid or solid capable of being converted into fluid, suitable for human consumption and having an alcoholic content of more than six per cent by volume, including alcohol.

 (2) "Liquor" means any distilled or rectified alcoholic beverage.

 (3) "Cordial liquors and specialties" means liquor obtained by the process of mixing or redistilling with or over fruit, flowers, plants, or juices therefrom and to which sugar or dextrose, or both, have been added in an amount not less than two and one-half per cent by weight of the finished product.

 (4) "Sparkling wine" means any effervescent alcoholic beverage derived from the juice of any fruit, or synthesis thereof, charged with carbon dioxide, either artificially or as the result of secondary fermentation within the container.

 (5) "Still wine" means any non-effervescent alcoholic beverage derived from the juice of any fruit, or synthesis thereof.

 (6) "Board" means the Louisiana Board of Alcoholic Beverage Control.

 (7) "Dealer" means any person who, as a business, manufactures, blends, rectifies, distills, processes, imports, stores, uses, handles, holds, sells, offers for sale, solicits orders for the sale of, distributes, delivers, serves, or transports any alcoholic beverage in the state or engages herein in any business transaction relating to any such beverage.

 (8) "Liquor manufacturer" means any person who directly or indirectly, personally or through any agent whatever engages in the making, blending, rectifying, or processing of any alcoholic beverage in Louisiana.

 (9) "Liquor wholesaler" means any dealer who sells any alcoholic beverage to other licensed wholesale dealers or to licensed retail liquor dealers in the state or who sells alcoholic beverages for delivery beyond the borders of the state in amounts to be fixed by the board, or who imports any alcoholic beverages into the state, and who meets the standards set forth in this Chapter.

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(10) "Liquor retailer" means any dealer, other than a manufacturer or wholesaler, who sells, offers for sale, exposes for sale, or has in his possession for sale or distribution any alcoholic beverages in any quantity.

(11) "Solicitor" means any person who offers for sale or solicits any orders for the sale of any regulated beverage, other than in a regularly established and licensed place of business in this state, for delivery or shipment to any point in the state, whether done as owner, agent, or servant.

(12) "Outlet" means a place where any person draws or removes any alcoholic beverage from its container for consumption on the premises.

(13) "Package house" means a place where a person sells alcoholic beverages in closed containers, prepared for transportation and consumption off the premises.

(14) "Wine wholesaler" means any dealer who sells only sparkling wine and still wine, to other licensed wholesale dealers or to licensed retail dealers for resale within the state.

(15) "Wine package house" means a place where a person sells only sparkling wines and still wines in the original package or closed container, prepared for transportation and consumption off the premises.

(16) "Stamps" means the tax stamp required in Chapter 1 of Title 26 of the La. Rev. St. by the use of which the tax levied on alcoholic beverages is paid.

(17) "Regulated beverage" means any alcoholic beverage.

(18) "Bottler of wine" means any wine wholesaler who imports wine into the state in bulk and puts it in a closed container for distribution to other wholesale dealers.

(19) "City" means the City of Slidell.

SECTION 4. PERMITS REQUIRED; FEES

Before engaging in the business of dealing in alcoholic beverages, all persons shall obtain from the City, annually, dating from January 1st of each year, a permit to conduct each separate business and shall pay the City therefor according to the following schedule:

(1) Manufacturers- ^{500⁰⁰} dollars for each establishment in the state, except that manufacturers engaged exclusively in the manufacture of wine from Louisiana grown fruits and berries shall be exempt from the payment of the annual permit fee.

(2) Wholesalers- ^{500⁰⁰} dollars for each place of business in the state.

(3) Retailers: ^{500⁰⁰}

(a) those operating outlets- ^{500⁰⁰} dollars for each place of business in the City. This type of permit is known as a Class A Retail Liquor Permit.

(b) those operating package houses- ^{500⁰⁰} dollars for each place of business in the City. This permit is known as a Class B Retail Liquor Permit.

(4) For wholesaling or retailing any alcoholic beverages in the state as a broker or where the dealer keeps no stock of alcoholic beverages at his place of business or private warehouse in the state- dollars for each place of business in the state.

(5) The fee for any alcoholic beverage permit issued after July 1st in any year for any new business is one-half the annual fee.

(6) Fees are payable semi-annually. One half of the 1976 permit fee is due on or before January 1, 1976, and the other one half is due on or before June 1, 1976. Thereafter, semi-annual permit fees are due on November 1st of the year preceding the calendar year for which the permit was issued, and on June 1st of the year for which the permit was issued.

SECTION 5. PERMIT FOR LIGHT WINE; RESTAURANTS AND CAFETERIAS

A. Before the operator or any restaurant and cafeteria where food or drink is legally sold, in which light wine is legally sold for consumption on the premises in connection with the consumption of food, shall engage in the business of handling such light wine, he shall obtain annually, dating from January 1st of each year, from the City, before commencing such business, a permit to conduct such retail business, and shall pay for each permit the sum of

B. As used in this Section, "light wine" means any non-effervescent alcoholic beverage, known as still wine, derived from the juice of any fruit or synthesis thereof, of an alcoholic content of not more than 14% by volume.

C. The provisions of this Section shall apply only to bona fide restaurants and cafeterias who do at least seventy-five percentum of their total business in the sale of food for consumption on the premises of such restaurants and cafeterias.

SECTION 6. OPERATION WITHOUT PERMIT PROHIBITED

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

A permit is required of any person who does any act as a dealer.

SECTION 7. PERSONAL NATURE OF PERMITS

Permits issued under this Ordinance are not assignable or heritable and are good only from the time of issuance to December 31st of the year in which issued, unless sooner suspended or revoked. In the event of the dissolution of a partnership by death, the surviving partner or partners may operate under the partnership permit. Receivers and trustees in bankruptcy may operate under the permit of the person succeeded.

Where the location of a place of business is changed, the change shall be noted on the permit by the issuing authority and the permit shall be invalid unless the notation is made.

All permits issued by the City must be posted in a conspicuous place on the licensed premises.

SECTION 8. NOTICE OF APPLICATION FOR RETAIL DEALER'S PERMIT

Prior to making application for a retail dealer's permit, each applicant shall twice insert an appropriate signed notice similar to the following in a newspaper published in the City:

"I am applying for a permit to sell
alcoholic beverages at retail at the
following address: _____
_____ in the
City of Slidell".

The publication of this notice is not required of permittees seeking the renewal of their permits.

SECTION 9. CONTENT OF APPLICATION

All of the requirements of La. Rev. Stat. 26:77 are hereby adopted by reference and shall be satisfied in connection with the application for a permit from the City.

SECTION 10. SUBMISSION OF APPLICATION - DELAY

All applications shall be mailed or delivered to the City at City Hall at Slidell. The City may issue the permits immediately after proper investigation but, for a period of thirty-five days after issuance, such permits shall operate on a probationary basis subject to final action on opposition to, or withholding of, the permits as hereafter provided.

SECTION 11. QUALIFICATIONS OF APPLICANTS FOR PERMITS

Applicants for City permits of all kinds shall meet the qualifications and conditions as provided in R.S. 26:79 as same may be hereafter amended.

SECTION 12. LOCATION OF BUSINESS LIMITED

All alcoholic beverage businesses are prohibited within 300 feet of a church, synagogue, library, playground, or school. The measurement of this distance shall be from the nearest point of the property line of church, synagogue, school, library, or playground to the nearest point of the property line of the premises to be licensed. Nothing herein shall affect the renewal of a license or the obtainment of a new license for a place of business that had a City permit to sell alcoholic beverages on the effective date of this Ordinance, provided that if the place of business within the prohibited 300 foot area is closed for any reason for more than one year, then it shall never again be allowed to reopen or be granted a permit.

SECTION 13. RENEWAL OF PERMIT

Persons holding permits shall file application for renewal thereof for the ensuing year and pay the semi-annual permit fees on or before November 1st prior to the year for which the permit is issued, and on June 1st in the year for which the permit was issued. If a dealer fails to file the application and pay the

permit fees by that date, there shall be added to the fee, in addition to other penalties provided in this City, a delinquency penalty of five per cent if the failure is for not more than thirty days, with an additional five per cent for each additional thirty days or fraction thereof during which the failure continues. If the dealer fails to make his application before December 31st, the City may, without notice or hearing, suspend his right to do business.

Any dealer whose application for renewal is filed before December 31st may continue business until issuance of the new permit, under the previous year's permit if it has not been suspended or revoked or the new permit withheld or denied.

Renewal permits may be withheld or denied on the same grounds and in the same manner as an original permit.

SECTION 14. ADOPTION BY REFERENCE OF CERTAIN PROVISIONS OF THE STATE ALCOHOLIC BEVERAGE CONTROL LAW.

The following sections of the State Alcoholic Beverage Control Law (as same may be hereafter amended) are adopted by reference and are made part of this Ordinance insofar as they apply to municipalities, each reference being to the La. Rev. Stat.

R.S. 26:81	Interposed Persons.
R.S. 26:82	Misstatement or Suppression of Fact.
R.S. 26:85	Procedure for Determination to Issue or Withhold Permit.
R.S. 26:88	Acts Prohibited on Licensed Premises; Suspension or Revocation of Permits.
R.S. 26:89	Additional Cause For Suspension or Revocation of Permits.
R.S. 26:91	Procedure for Suspending or Revoking Permit.
R.S. 26:92 through R.S. 26:103	Relating to Withholding, Suspending and Revoking Permits, and the Hearings and Procedures Related thereto.

The power, authority (and limitations thereof) granted to the "board" in these Statutes as well as the proceedings and provisions relating to the "board", shall be applicable to the City.

SECTION 15. PENALTIES

In addition to the other penalties provided herein, whosoever shall violate the provisions of the Ordinance shall be fined not to exceed \$100.00 and shall be imprisoned for not more than 30 days, or both. Each days violation of the provisions of this Ordinance is a separate offence.