

CHAPTER 14

LIQUOR AND ALCOHOLIC BEVERAGES*

- Sub-Chapter A -- License and Permit Requirements
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Sub-Chapter A

License and Permit Requirements

SECTION 14:1. LICENSE-PERMIT REQUIREMENTS FOR DEALERS IN ALCOHOLIC BEVERAGES

A. Before any person, firm or corporation or association of persons shall engage in the Parish of Assumption in the handling, distribution, sales, use or consumption of alcoholic liquor, including wine, beer or other beverages of an alcoholic content greater than one-half of one percent (1%) of alcohol by volume as a wholesaler or retailer, such firms, person, corporation or association of persons shall apply to and obtain from the Sheriff and tax collector of the Parish of Assumption, a license-permit to conduct such business and shall pay for such license-permit the following amount: two hundred dollars (\$200.00) per annum from a wholesaler, and two hundred dollars (\$200.00) per annum for a retailer.

B. The fee for a license-permit to sell beer only is hereby set at fifty dollars (\$50.00) per annum. (Ordinance of January 11, 1938; as amended by Motion of December 15, 1953)

C. On the second day of January, the Sheriff and ex-officio tax collector for the Parish of Assumption shall begin to collect as fast as possible from each person, firm or corporation or association of persons the license tax hereinabove levied, and all unpaid licenses shall become delinquent after the fifteenth day of April.

Comment -- Originally, the 1938 Ordinance provided that applicants for license-permits could pay their fees in two (2) installments. The 1953 amendment deleted that provision.

***Comment** -- For occupational licensing, see Chapter 13.

State Law References -- Liquors, alcoholic beverages, R.S. 26:1 et seq.; permits under The Alcoholic Beverage Control Law, R.S. 26:71 et seq.; local permits and fees, R.S. 26:74 et seq.; regulatory provisions, R.S. 26:141 et seq.; local permits, R.S. 26:274; local taxation and regulation, R.S. 26:491 et seq.; local option, R.S. 26:581 et seq.; power of parish governing authorities to regulate the policing of taverns, houses of public entertainment and shops for retailing liquors, R.S. 33:1236(6); suspension or revocation of permits of retail dealers in alcoholic beverages, R.S. 33:4785 et seq.; wholesale dealers in certain alcoholic beverages exempted from occupational license tax, R.S. 47:360(D).

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D. All unpaid license-permits shall bear interest at the rate of two percent (2%) per month from the fifteenth day of April.

(Ordinance of January 11, 1938; as amended by Ordinance No. 89-01, 1/11/89; and Ordinance No. 89-13, 9/27/89)

SECTION 14:2. ALCOHOLIC BEVERAGE LICENSE PERMITS; DEFINITIONS

A wholesaler under this Sub-Chapter is defined to be anyone who sells whiskey, wine, beer or any other beverage of an alcoholic content greater than one-half (½) of one percent (1%) by volume in a greater quantity than five (5) gallons; and a retailer is defined to be anyone who sells whiskey, wine, beer or other beverages of alcoholic content greater than one-half (½) of one percent (1%) by volume in a quantity of five (5) gallons or less. (Ordinance of January 11, 1938)

SECTION 14:3. ALCOHOLIC BEVERAGE LICENSE-PERMITS COLLECTION PROCEDURE; DATE DUE; DELINQUENT

A. On the second day of January, the Sheriff and ex-officio tax collector for the Parish of Assumption shall begin to collect as fast as possible from each person, firm or corporation or association of persons the license tax hereinabove levied, and all unpaid licenses shall become delinquent after the fifteenth day of April.

B. All unpaid license-permits shall bear interest at the rate of two percent (2%) per month from the fifteenth day of April.

(Ordinance of January 11, 1938; as amended by Ordinance No. 89-01, 1/11/89; and Ordinance No. 89-13, 9/27/89)

SECTION 14:4. 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 municipality in which he desires to operate his business or in the newspaper published nearest to his place of business, if it is not located in a municipality in which a newspaper is published:

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

The publication of this notice is not required of permittees seeking the renewal of their permits.
(LRS 26:76)

Comment -- As indicated in the source note, the above provision and those following (14:5 through 14:10) were not derived from a local ordinance but from the Louisiana Revised Statutes. Because the provisions are self-operative and serve to complete the subject matter herein presented, they were included in this codification for the convenience of the user. Also note, the above provision applies to applicants for general alcoholic beverage permits. For similar requirements for permits to sell beer only, see LRS 26:276.

SECTION 14:5. CONTENT OF APPLICATION FOR PERMITS

Applications for state and local permits to engage in any business or operation regulated by this Sub-Chapter shall be in writing and sworn to, and shall contain the full name of the applicant, his correct home address, and an accurate description and correct address of the premises wherein the business or operation is to be conducted, which address shall be considered the proper address for all notices to the applicant or permittee required by this Part and shall be accompanied by an affidavit of the applicant showing that he meets qualifications and conditions set out in R.S. 26:79. (Section 14:6, this Code).

Unless he is seeking a renewal of his permit, an applicant for a retail dealer's permit shall attach to his application, as a part thereof, a certificate of publication by the publisher of the newspaper, showing the publication of the notice required in R.S. 26:76 (Section 14:4, this Code). (LRS 26:77)

Comment -- The above provisions apply to applicants for general alcoholic beverage permits. For similar provisions relating to applicants for permits to sell beer only, see LRS 26:277.

SECTION 14:6. QUALIFICATIONS OF APPLICANTS FOR PERMITS

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 preceding the date of the filing of the application. However, the requirements as to Louisiana 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 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 or country.
5. Has 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 narcotics.
6. 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 one (1) year prior to the application, or been convicted or had a judgment of court rendered against him involving alcoholic beverages by this or any other state or by the United States for one year prior to the application.
7. Has not been adjudged by the board or convicted by a court of violating any of the provisions of this Part.
8. Has not been convicted of violating any municipal or parish ordinances adopted pursuant to the provisions of this Part. If the applicant has been so convicted, the granting of a permit or of a renewal is within the discretion of the board.

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9. Is not the spouse of a person whose application has been denied or whose permit has been revoked, unless judicially separated or divorced; provided that in such cases the age of the ineligible spouse shall be immaterial.

B. If the applicant is a partnership or anyone in partnership with or financed by another, all members of the partnership or all the persons in any way financially interested in the business shall also possess the qualifications required of an applicant. The application shall state the full names of all partners and persons financially interested and furnish their proper addresses and each shall furnish his affidavit showing his qualifications, as required of an applicant.

1. If the applicant is a corporation, all officers and directors and all stockholders owning in the aggregate more than five (5%) percent of the stock and the person or persons who shall conduct or manage the business shall possess the qualifications required of an applicant, to be shown by the affidavit of each accompanying the application. However, the requirements as to citizenship and residence do not apply to officers, directors and stockholders of corporations applying for retail permits only. The corporation shall be either organized under the laws of the State of Louisiana or qualified to do business within the State of Louisiana.

2. If the applicant's business is to be conducted wholly or partly by one (1) or more managers agents, servants, employees, or other representatives, that person shall also possess the qualifications required of the applicant, to be shown by the affidavit of each accompanying the application.

C. If the applicant, or any other person required to have the same qualifications, does not possess the required qualifications, the permit may be denied.

(LRS 26:79),

Comment -- The above cited qualifications apply to applicants for general alcoholic beverage permits. For qualification of applicants to sell beer only, see LRS 26:279.

SECTION 14:7. AUTHORITY OF POLICE JURY TO WITHHOLD PERMITS

The Police Jury may withhold the issuance of permits in the manner and under the terms and conditions specified in this Part. (LRS 26:84)

Comment -- For authority of police juries to suspend or revoke permits, see Section 14:100, this Code.

SECTION 14:8. PROCEDURE FOR DETERMINATION TO ISSUE OR WITHHOLD PERMITS

A. The right to determine what persons shall or shall not be licensed under this Part shall be exercised in the following manner:

1. The Police Jury shall, independently of the Board of Alcoholic Beverage Control, investigate all applications filed with them for local permits, and shall withhold the issuance of a permit where that action is justified under the provisions of this Part. The decisions to withhold a local permit shall be made within thirty-five (35) calendar days of the filing of the application. Within that period, the withholding authority shall notify the Board of Alcoholic

Beverage Control in writing that it is withholding the permit and give the reason therefor. Upon receipt of this notice, supported by reasons enumerated in or authorized by this Part, the State Board shall withhold issuance of the applicant's state permit. Within five calendar days after the receipt of the notice from the local authorities, the State Board shall notify the applicant in writing of the action and shall assign the reasons therefor. Such notice shall be either delivered to the applicant in person or sent to him by registered mail at the business address given in his last application. When so addressed and mailed, it shall be conclusively presumed to have been received by the applicant.

(LRS 26:85)

Comment -- For procedure to be followed in suspending or revoking permits, see Section 14:100, et seq., this Code. Also note the above procedures apply to applications for general alcoholic beverage permits. For similar procedures applicable to permits to sell beer only, see LRS 26:283.

SECTION 14:9. ACTS PROHIBITED ON LICENSED PREMISES; SUSPENSION AND REVOCATION OF PERMITS

A. No person holding a retail dealer's permit and no agent, associate, employee, representative, or servant of any such person shall do or permit any of the following acts to be done on or about the licensed premises:

1. Sell or serve alcoholic beverages to any person under the age of twenty-one (21) years, unless such person submits a driver's license, selective service card or other lawful identification which, on its face, establishes the age of the person as twenty-one (21) years of older and there is no reason to doubt the authenticity or correctness of the identification.
2. Sell or serve alcoholic beverages to any intoxicated person.
3. Intentionally entice, aid, or permit any person under the age of eighteen (18) years to visit or loiter in or about any place where alcoholic beverages or beer are the principal commodities sold, handled or given away.
4. Permit any prostitute to frequent the licensed premises, or to solicit patrons for prostitution on 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.
 - a. *Attire and Conduct.* The following acts or conduct on licensed premises are deemed to constitute lewd, immoral or improper entertainment as prohibited by this Section and therefore no on-sale permit for beverages of high alcoholic content shall be held at any premises where such conduct or acts are permitted:
 - i. To employ or use any person in the sale or service of alcoholic beverages in or upon the licensed premises while such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola or of any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals.

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ii. To employ or use the services of any hostess or other person to mingle with the patrons while such hostess or other person is unclothed or in such attire, costume or clothing as described in Subparagraph (a) i. above.

iii. To encourage or permit any person on the licensed premises to touch, caress or fondle the breasts, buttocks, anus or genitals of any other person.

iv. To permit any employee or person to wear or use any device or covering, exposed to view, which simulates the breast, genitals, anus, pubic hair or any portion thereof.

b. *Entertainers and Conduct*; Acts or conduct on licensed premises in violation of this Section are deemed to constitute lewd, immoral or improper entertainment as prohibited by this Section and therefore no on-sale permit for beverages of high alcoholic content shall be held at any premises where such conduct and acts are permitted. Live entertainment is permitted on any licensed premises, except that:

i. No permittee shall permit any person to perform acts of or acts which simulate:

(aa) Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.

(bb) The touching, caressing or fondling of the breast, buttocks, anus or genitals.

(cc) The displaying of the pubic hair, anus, vulva, genitals or nipple of the female breast.

ii. Subject to the provisions of Paragraph 5(b)i. hereof, entertainers whose breasts and/or buttocks are exposed to view shall perform only upon a stage at least eighteen inches (18") above the immediate floor level and removed at least three feet (3') from the nearest patron.

iii. No permittee shall permit any person to use artificial devices or inanimate objects to depict any of the prohibited activities described above.

c. *Visual Displays*. The following acts or conduct on licensed premises are deemed to constitute lewd, immoral or improper entertainment as prohibited by this Section and therefore no on-sale permit of beverages of high alcoholic content shall be held at any premises where such conduct or acts are permitted. The showing of film, still pictures, electronic reproduction or other visual reproductions depicting:

i. Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.

ii. Any person being touched, caressed or fondled on the breast, buttocks, anus or genitals.

iii. Scenes wherein a person displays the vulva or the anus or the genitals.

iv. Scenes wherein artificial devices or inanimate objects are employed to depict, or drawings are employed to portray, any of the prohibited activities described above.

6. Sell, offer for sale, possess, or permit the consumption on or about the licensed premises of any kind or type of alcoholic beverage, 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 solicit patrons for drinks and to accept drinks from patrons and receive therefor any commission or remuneration in any other way.

9. Employ anyone under eighteen (18) years of age when the sale or handling of alcoholic beverages constitutes the main business. However, females over that age may be employed as well as males. If the sale or handling of alcoholic beverages does not constitute the main business, an employee under the age of eighteen (18) years shall not be permitted to handle, serve, or work with alcoholic beverages.

10. Fail to keep the premises clean and sanitary.

11. Permit the playing of pool or billiards by any person under eighteen (18) years of age, or permit such a person to visit or frequent the licensed premises operating a pool or billiard hall.

12. Illegally sell, offer for sale, possess, or permit the consumption on or about the licensed premises of any kind or type of narcotics or habit forming drugs.

13. Accept food stamp coupons as payment for alcoholic beverages in violation of the provisions of Public Law 88-525 and regulation 1600.2(i) issued pursuant to that Section of the federal statute by the United States Secretary of Agriculture.

B. Violation of this Section by a retail dealer's agent, associate, employee, representative or servant shall be considered the retail dealer's act for purposes of suspension or revocation of a permit.

C. Violation of this Section is punishable as provided in LRS 26:191, and is also sufficient cause for the suspension or revocation of a permit.

D. Notwithstanding the issuance of a permit by way of renewal, the Police Jury may revoke or suspend such permit, as prescribed by this Part for violations of this Section occurring during the permit period immediately preceding the issuance of such permit.

(LRS 26:88)

Comment --For authority and procedure to be followed in suspending or revoking liquor permits, see Section 14:100 et seq., this Code. Also note, the above prohibitions apply to persons holding general alcoholic beverage permits. For similar list applicable to persons holding permits to sell beer only, see LRS 26:285.

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SECTION 14:10. ADDITIONAL CAUSES FOR SUSPENSION OR REVOCATION OF PERMITS

A. In addition to any other causes enumerated in this Part, the Police Jury may suspend or revoke any permit for any one (1) of the following causes:

1. If the applicant or any of the persons who must possess the same qualifications failed to possess the qualifications required in R.S. 26:79, at the time of application or fails to maintain such qualifications during the licensed year.
2. If there was any misstatement or suppression of fact in the application for the permit.
3. If the permit was issued to an interposed person in contravention of R.S. 26:81.
4. 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.
5. 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;
 - c. Violation of any municipal or parish ordinance enacted pursuant to the authorization of this Part.
6. 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.
7. If any dealer or any person listed in Subsection B of R.S. 26:79 (Section 14:6, this Code) violates or has violated any provision of this Sub-Chapter.
8. If any dealer fails to pay any excise taxes due by any regulated business to the state or to any parish or municipality.

(LRS 26:89)

Comment -- The above prohibitions apply to persons holding general alcoholic beverage permits. For similar prohibitions for persons holding permits to sell beer only, see LRS 26:286.

SECTION 14:11. APPLICANTS FOR ALCOHOLIC BEVERAGE PERMITS TO BE INSPECTED BY PARISH HEALTH DEPARTMENT

Anyone seeking a permit to sell liquor and beer in the Parish must first be inspected by the Assumption Parish Health Department before a permit will be issued by the Jury. (Motion of July 9, 1974)

SECTIONS 14:12 - 14:48. RESERVED

SECTION 14:49. VIOLATIONS, PENALTIES

Any person, firms, corporation or association violating any provision of this Sub-Chapter shall be guilty of a misdemeanor and upon conviction be fined not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00) and imprisoned in the parish jail for a period of not less than thirty (30), nor more than sixty (60) days.

SECTIONS 14:50 - 14:99. RESERVED

[RESERVED]

[The next page is Sub-Chapter B, "Revocation and Suspension of Alcoholic Beverage Permits", page 14-15.]

Sub-Chapter B

Revocation and Suspension of Alcoholic Beverage Permits

SECTION 14:100. RETAIL DEALERS IN ALCOHOLIC BEVERAGES; SUSPENSION OR REVOCATION OF PERMITS

Any municipality may suspend or revoke within the corporate limits and any police jury or other governing authority of a parish may suspend or revoke within the limits of the parish permits issued to retail dealers in beverages having an alcoholic content of more than six percent (6%) by volume for causes set forth in LRS 26:88, 26:89; and may suspend or revoke permits issued to such retail dealers in beverages having an alcoholic content of not more than six percent (6%) by volume for causes set forth in LRS 26:285, 26:286. (LRS 33:4785)

Comment -- As indicated by the source note, the provisions of the above section, and the other sections in this part were derived from the Louisiana Revised Statutes, and not from any local ordinance. They were included in this Code because they are self operative, and add to the matters of law herein contained.

The provisions of LRS 26:88 and 26:89 cited above as providing the basic causes for suspending or revoking general alcoholic beverage permits are set forth in Sections 14:9 and 14:10 of this Code.

For related provision covering penalties for violations, see Section 14:49, above.

SECTION 14:101. HEARINGS; REQUIREMENT OF MAJORITY VOTE FOR SUSPENSION OR REVOCATION

Before any permit is suspended or revoked, the holder thereof shall be entitled to a hearing as hereinafter provided, and no permit shall be revoked unless such a hearing has been held and a majority of the governing body of the municipality or parish thereafter votes for such suspension or revocation. (LRS 33:4786)

Comment -- See note following Section 14:100, above.

SECTION 14:102. NOTICE OF HEARINGS; PETITION FOR SUSPENSION OR REVOCATION OF PERMIT

A notice shall be served upon the holder of the permit stating the time and place of the hearing to be held by the governing body of the municipality or parish which shall be not less than ten (10) calendar days from the date such notice is given. The notice shall enumerate the cause or causes for suspending or revoking the permit, and shall be sent by registered mail to the holder of the permit at the address of his place of business as given in his application for the permit, or may be served on him in person by an officer or employee of the municipality or parish.

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Any trade organization consisting of brewers and distributors of beverages of low alcoholic content, through its authorized representative, may file with the governing body of any municipality or parish a sworn petition requesting that a permit be suspended or revoked, and the procedure in such cases shall be the same as herein set out. (33:4787)

Comment -- See note following Section 14:100, above.

SECTION 14:103. APPEAL FROM SUSPENSION OR REVOCATION OF PERMIT

The holder of the permit whose aggrieved by a decision of the governing body of the municipality or parish to suspend or revoke his permit, may within ten (10) days of the notification of the decision take a devolutive appeal to the district court having jurisdiction of his place of business and on such appeal the trial shall be de novo. Within ten (10) calendar days from the signing of the judgement by the district court the municipality or parish governing authority or the holder of the permit, as the case may be, may devolutively appeal from the judgment of the district court of appeals as in ordinary civil cases. (LRS 33:4788)

Comment -- See note following Section 14:100, above.

SECTIONS 14:104 - 14:124. RESERVED

[The next page is Sub-Chapter C, "Employee Certificate of Qualifications", page 14-21.]

Sub-Chapter C

Employee Certificate of Qualifications

SECTION 14:125. CERTIFICATE OF QUALIFICATION REQUIRED OF PERSONS EMPLOYED IN RETAIL ALCOHOLIC BEVERAGE ESTABLISHMENTS

It shall be unlawful for any person to be employed as a bartender, barmaid, waitress, performer or entertainer in any place of business where malt, vinous, alcoholic or intoxicating liquors containing more than six percent (6%) of alcohol by volume, are sold, as the principal commodity of such business, in the Parish of Assumption, without first obtaining a certificate of qualification to be so employed, as hereinafter provided. (Ordinance of November 26, 1968)

SECTION 14:126. QUALIFICATIONS OF EMPLOYEE APPLICANTS

A. Each applicant for a certificate of qualification shall possess the following qualifications:

1. Is a person of good character and reputation and over 18 years of age, if that person is a bartender, barmaid, waitress, and is a person of good character and reputation and over 18 years of age, if that person is a performer or entertainer.

2. Has not been convicted of a felony under the laws of the United States, the State of Louisiana, or any other state or country.

3. Has not been convicted in this or in any other state of 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 narcotics.

4. 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 one (1) year prior to the application, or been convicted or had a judgement of court rendered against him or her involving alcoholic beverages by this or any other state or by the United States for one (1) year prior to the application.

5. Has not been adjudged by the Alcoholic Beverage Control Board or convicted by a court of violating any of the provisions of Title 26 of the Louisiana Revised Statutes and the amendments thereto.

6. Has not been convicted of violating any municipal or parish ordinance adopted pursuant to the provisions of LRS 26:494.

7. Has not had a certificate of qualification to dispense alcoholic beverages from the bar issued by any other parish, state, or municipality suspended or revoked.

8. Has obtained the approval of the Sheriff of the Parish of Assumption on the application filed as having met all of the requirements contained in the foregoing paragraphs.

(Ordinance of November 26, 1968)

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SECTION 14:127. FORM OF APPLICATION FOR CERTIFICATE OF QUALIFICATION

The application for a certificate of qualification shall be in writing on forms furnished by the sheriff's office of the Parish of Assumption. (Ordinance of November 26, 1968)

SECTION 14:128. AUTHORITY OF SHERIFF TO REFUSE TO ISSUE CERTIFICATE OF QUALIFICATION

The Sheriff of the Parish of Assumption may refuse to issue a certificate of qualification to any person who lacks any of the, qualifications, set forth in Section 14:126 hereof after a complete investigation of the applicant has been made by said sheriff, all in the interest of the public health, safety and morals. (Ordinance of November 26, 1968)

SECTION 14:129. REVOCATION OR SUSPENSION OF CERTIFICATE OF QUALIFICATION FOR VIOLATION

Any act, or failure to act, by any person certified to be qualified under the provisions of this Sub-Chapter, which is a violation of the Sub-Chapter, shall subject such person to having his certification suspended or revoked by the Sheriff of the Parish of Assumption, and any person accepting employment outside of the Parish of Assumption after having obtained a certificate in the Parish, shall automatically forfeit said certificate of qualification. (Ordinance of November 26, 1968)

SECTION 14:130. APPEAL PROCEDURE FOR PERSONS WHOSE CERTIFICATE HAS BEEN DENIED, REVOKED OR SUSPENDED

Any person aggrieved by the decision of the Sheriff of the Parish of Assumption to refuse to issue, or to suspend or to revoke, a certificate of qualification as provided in this Sub-Chapter, may take a devolutive appeal therefrom to the Police Jury of the Parish of Assumption within fifteen (15) days of written notification of said decision. The appeal must be taken by submitting a written request therefor to the Sheriff of the Parish of Assumption. The Police Jury of the Parish of Assumption shall hear this appeal within twenty (20) days of receipt of said notice of appeal by the Sheriff of the Parish of Assumption. The decision of the Sheriff of the Parish of Assumption shall be final unless appealed within the time, and in the manner, set forth above. (Ordinance of November 26, 1968)

SECTION 14:131. RESPONSIBILITIES OF OWNERS/MANAGERS FOR OBTAINING CERTIFICATES OF EMPLOYEES; NOTIFICATION OF SEPARATION OF EMPLOYEES

The owner of the establishment or the officer or agent in charge of any corporation who employs a person requiring a certificate of qualification as provided in this Sub-Chapter shall be held responsible for the procurement of said certificate for said employees. Further said owner, officer or agent shall, within 48 hours, notify the Sheriff of the Parish of Assumption on any occasion that a person holding a certificate of qualification leaves his employment. His failure to follow the provisions hereof shall subject him to a revocation of the license or permit issued to conduct said business in the Parish of Assumption. (Ordinance of November 26, 1968)

SECTIONS 14:132 - 14:149. RESERVED

[RESERVED]

[The next page is Sub-Chapter D, "Other Regulations", page 14-26.]

Sub-Chapter D

Other Regulations

SECTION 14:150. SALE OF ALCOHOLIC BEVERAGES PROHIBITED WITHIN 500 FEET OF A SCHOOL

A. Except as provided in Section B below, it shall be unlawful for any person, firm, company or corporation to engage in the business of retailing and/or selling goods of distilled, spirituous, vinous, malt, cereal and/or other liquors or beverages containing any alcoholic content of more than one-half (½) of one percent (1%) by volume, within five hundred feet (500') of any school, church or synagogue.

1. No permit shall be granted for the sale of any such liquor to any establishment located within five hundred feet (500') or less distance of any building occupied as a school, church or synagogue. Measurement of said distance shall be made as outlined under Louisiana Revised Statute 26:80.

B. Notwithstanding anything provided in Section A, it is lawful and a permit can be granted for any person, firm, company or corporation to operate a package house under a Class B as defined by LSR-R.S.26.1, et als. Said license shall be issued only for an establishment which sells alcoholic beverages in factory sealed containers, prepared for transportation and consumption off the premises.

C. A violation of this Section shall be a misdemeanor and punishable by a fine of not more than five hundred dollars (\$500.00) or imprisonment for not more than six months, or both at the discretion of the Court and/or suspension or revocation of the alcohol beverage permit issued.

D. Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part do declared to be unconstitutional or invalid.

E. All ordinances or parts of ordinances in conflict herewith or incompatible with the provisions of this ordinance are hereby repealed.

(Ordinance of January 14, 1981; Ord. No. 99-01, 1/13/99; Ord. No. 06-07, 02/22/06)

SECTION 14:151. OPERATING HOURS OF BUSINESSES WITH ALCOHOLIC BEVERAGE RETAIL PERMITS; VIOLATIONS/PENALTIES

A. No person holding a retail dealer's permit and no associate, representative, servant, agent or employee of the permittee shall do or permit any of the following acts to be done on or about the licensed premises:

1. Sell, offer for sale, serve or give alcoholic beverages between the hours of 2:00 a.m. and 5:30 a.m. on Sundays through Saturdays.

2. Allow the possession or consumption of alcoholic beverages on the premises between the hours of 2:30 a.m. and 5:30 a.m. on Sundays through Saturdays.

3. Allow anyone except employees to be or remain on the premises between 2:30 a.m. and 5:30 a.m. on Sundays through Saturdays when the sale or handling of alcoholic beverages constitutes the main business (60% of income).

B. This section exempts the following days from the curfew hours: Mardi Gras, Christmas Day, New Years Day, Fourth of July, Labor Day and any other days the Police Jury sees fit to exempt by vote of the Jury.

C. A violation of this Sub-Chapter shall be a misdemeanor and punishable by a fine of not more than five hundred dollars (\$500.00) or imprisonment for not more than six (6) months, or both at the discretion of the Court and/or suspension or revocation of the alcohol beverage permit issued.

(Ordinance of February 23, 1983; amended by Ordinance of December 14, 1983; Ordinance of 1/14/84; Ordinance No. 88-02, 3/9/88; Ordinance No. 94-02, 5/11/94; Ordinance No. 02-15, 8/28/02)

[RESERVED]

[The next page is CHAPTER 15, "MISCELLANEOUS CRIMES AND OFFENSES", page 15-1.]