

ORDINANCE NUMBER 1 OF 2024

An Ordinance of the Town of Washington, St. Landry Parish, Louisiana, Alcoholic Beverage Permit

Section One. Ordinance.

This Ordinance shall restrict the sale of alcoholic beverage(s), as defined herein, within the Town of Washington, in order to preserve the health, safety, and general welfare of the citizens, as well as the historic character of the physical town according to the following provisions.

Section Two. Definitions.

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 intoxicating, spirituous alcoholic beverages, including vinous or malt liquor, containing more than one-half of one percent of alcohol by volume, which is intended for consumption. This Ordinance shall not pertain to flavoring extracts, concentrates, syrups, or medicinal, mechanical, scientific, culinary, or food products unfit for beverage purposes; and it shall not apply to the use of wines intended strictly for use by any church or religious organization for sacramental purposes.
2. "Retail dealer" means every person who offers for sale, exposes for sale, has in his/her possession for sale or distribution, or sells alcoholic beverages in any quantity to persons other than licensed wholesale or retail dealers.
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. "Town" refers to the Town of Washington, Louisiana.
5. "Council" refers to the elected Council Members for the Town of Washington.
6. "Mayor" refers to the Mayor for the Town of Washington.
7. "Spouse" refers to individual who lawfully married to another individual; includes persons who are considered married outside of the United States, persons who ordinarily hold themselves out as married, or persons who file their state and federal income tax returns as either "married filing jointly" or "married filing separate".
8. "Special Event Alcoholic Beverage Permit" are Alcoholic Beverage Permits which are limited to a special event approved by the Town and limited to:
 - A. A maximum of three (3) permits per year per individual, organization, or business; and
 - B. 3 days (72 hours) maximum per permit.

Section Three. Alcoholic Beverage Permit required.

No person shall engage in the business of selling beverages with alcoholic content at wholesale or retail without the appropriate Alcoholic Beverage Permit issued by the Town.

Section Four. Qualifications of Applicants.

All applicants must meet the below qualifications and Louisiana RS 26 Liquors-Alcoholic Beverages.

1. Applicants for an Alcoholic Beverage Permit required by this Ordinance shall meet the following qualifications and conditions:
 - A. Be a person of good character and reputation and over twenty-one years of age. In considering a person's good character or reputation the town may consider a person's arrests in determining suitability.
 - B. Be a citizen of the United States and a resident of the State of Louisiana continuously for not less than two (2) years prior to the date of filing an application.
 - C. Be the owner of the premises or have a bona fide written lease/rental agreement.
 - D. Have 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 Ordinance, 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.

- E. Have not been convicted of a felony under the laws of the United States, the state of Louisiana, or any other state or country.
 - F. Have not been convicted in this or in any 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.
 - G. Have 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 the sale or service of alcoholic beverages by this or any other state or by the United States for two years prior to the application.
 - H. Have not been convicted of violation of the provisions of this ordinance or any other Alcoholic Beverage Ordinance of the Town. If he/she has, then the granting or denial of an Alcoholic Beverage Permit is within the discretion of the Council.
 - I. Have not been convicted of violating any provisions of the state or federal laws regulating the sale of alcoholic beverages.
 - J. Not be the spouse of a person who does not meet the requirements of Section Four Qualifications of this ordinance excluding subsection B; however, in such cases the age of the ineligible spouse shall be immaterial.
2. If the applicant is a partnership recognized by Louisiana law, or anyone in partnership with or financed by another, all members of such partnership or all persons furnishing the money shall also possess the qualifications required of an applicant. The application shall name all partners or financial backers and furnish their social security numbers and proper addresses. If a partner of a partnership applying for a retail or manufacturers permit is a corporation or limited liability company, the requirements as to citizenship and residence shall not apply to officers, directors, and stockholders of the corporation or members of the limited liability company. The corporation or limited liability company shall either be organized under the laws of the state of Louisiana or qualified to do business within the state of Louisiana.
 3. If the applicant is a corporation or limited liability company, all officers and directors and all stockholders or members owning in the aggregate more than five percent of the stock or of the membership interest in a limited liability company and the person or persons who shall conduct or manage the business shall possess the qualifications required of an applicant and shall furnish their federal identification number, their Louisiana Department of Revenue business account number, their social security number, and their correct home address. The requirements as to citizenship and residence do not apply to either the officers, directors, or stockholders of corporations, or the officers, managers, or members of limited liability companies. The corporation or limited liability company shall be either organized under the laws of the state of Louisiana or qualified to do business within the state of Louisiana.
 4. If the applicant's business is to be conducted wholly or partly by one or more managers, agents, servants, employees, or other representatives, those persons shall also possess the qualifications required of the applicant.
 5. If the applicant, or any other person required to have the same qualifications, does not possess the required qualifications, the permit may be denied;
 6. No person shall be granted an Alcoholic Beverage Permit by the Town pursuant to this ordinance who has not previously secured a State Health Permit, signifying that the premises to be used meets the requirements of the State of Louisiana Health laws. This permit shall be delivered to the Town prior to the actual issuance of a permit pursuant to this ordinance.

Section Five. Special Event Qualifications.

1. Applicants for a Special Event Alcoholic Beverage Permit required by this Ordinance shall meet the qualifications in Section Four number 1-6.
2. Alcohol must be purchased under your special event permit and only purchased from Louisiana authorized wholesale dealer.
3. Proof of special event liability insurance coverage with a minimum of one million dollars (\$1,000,000).

Section Six. Location Restrictions.

Alcohol sales and Alcoholic Beverage Permits are only approved within in the following locations and Alcoholic Beverage Permits are restricted to the following areas:

1. Zone One
 - A. The east side of Main Street, from the intersection of East Garrique Street, south to Bayou Carron, and wholly contained within 100ft. of the Main Street right-of-way.
 - B. The east side and west side of Main Street, from the intersection of West Hill Street and East Hill Street, north to Bayou Courtableau, and wholly contained within 100ft. of the Main Street right-of-way.
 - C. Beginning at the intersection of North Washington Street and St. Landry Veterans Memorial Highway, north to intersection of North St. John Street and Dejean Street, east to intersection of North St. John Street and Dupre Street.
2. Zone Two
 - A. From the intersection of St. Landry Veterans Memorial Highway and Interstate 49, going east to the town limits on both sides of Highway 103.

Section Seven. Business hours for Alcoholic Beverage sales.

1. Sunday through Thursday: 6:00 AM through Midnight
2. Friday and Saturday: 6:00 AM through 2:00 AM of the following day.

Section Eight. Application for Alcoholic Beverage Permit.

1. All applications shall be in writing, 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 he/she meets the qualifications and conditions of this ordinance and LA RS 26:280. 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 in LA RS 26:277, unless he/she is seeking a renewal of the permit.
2. Completed applications may be returned to Town Hall or mailed to Town of Washington, P.O. Box 217, Washington, LA 70589.

Section Nine. Additional causes for Denial.

In addition to any other causes enumerated in the ordinance, the Town may deny any permit required by the ordinance for any one of the following additional causes:

1. If there was any misstatement or suppression of fact in the application for the permit.
2. If the holder of the permit violates any portion of the LA RS 26:1-939, that provides for the revocation or suspension of the permit for the violation.
3. Noncompliance with Town of Washington Ordinances.

Section Ten. Display.

A permit required by the provisions of the ordinance shall be prominently displayed by the permittee in his/her place of business to be easily seen and read by the public. Failure to publicly display the permit shall be grounds for the withholding, suspension, or revocation of Alcohol Beverage Permit.

Section Eleven. Permit transfer and expiration.

All Alcoholic Beverage Permits shall be obtained for a specific business/ownership/tenant and shall not be transferable as specified in State of Louisiana RS 26:76. Any change of ownership, tenant, business venture, and/or location shall require a new permit.

Section Twelve. Existing businesses with Alcoholic Beverage Permits.

Existing businesses with a valid permit shall be exempt from Section Five of this ordinance. Existing businesses which change ownership but are in continuous operation shall be allowed to acquire a new permit under the same provisions, hours, occupancy as previously operated. However, all remaining provisions of this ordinance shall apply. A permit shall be revoked if the business for which it has been issued is closed for a period of thirty (30) days for reasons other than disciplinary action by the Town. The Town shall have the right to review the circumstances of the business closure to determine suitability of issuance of a new permit.

Section Thirteen. Alcoholic Beverage Permit Fees.

1. A non-refundable application fee of \$50.00 for new applications and for annual renewals, shall be paid at the time the application is submitted. The application fee shall be subtracted from the total permit fee.
2. Fees for Alcoholic Beverage Permit shall be as follows:

A. Alcohol Beverage Permit (initial and renewals)	\$500.00
B. Alcohol Beverage Permit for New Business after July 1 st	\$250.00
C. Special Event Alcoholic Beverage Permit (per event)	\$100.00
3. Permitted businesses shall apply for renewal thereof for the ensuing year on or before December thirty-first and shall be approved pending renewal of the state Alcohol Permit and full compliance with all applicable sections of this ordinance. Anyone filing his renewal application after that date shall be charged a delinquency penalty of twenty-five (25) percent above the regular fee.

Section Fourteen. Enforcement.

1. Police officers of the Town of Washington shall have the right to enter any business holding a valid alcoholic beverage permit to determine compliance with the provisions of this ordinance.
2. The Town of Washington Police Department enforces the provisions of this ordinance with respect to the operation of retail permits.
3. A violation of this article 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.

Section Fifteen. Violations.

1. Any Violations of this ordinances is sufficient cause for the suspension or revocation of a permit issued pursuant to this ordinance.
2. In addition to any other causes enumerated in this ordinance, the Council and/or Mayor's court may deny, suspend, or revoke any permit provided for in this ordinance for any of the following causes:
 - A. Being adjudged by a court for violation of any ordinance, statute, or law.
 - B. Any misstatement or suppression of fact in the information required to be given by the applicant in applying for a permit under this ordinance.
 - C. If the 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 permit has been declined, revoke or suspended, in the relationship of spouse, agent, partner, employer, employee, or interposed person.
 - D. If any permitted dealer fails to pay any applicable taxes or fees required to be paid by any revenue collecting authority and due by the applicant to the Town as the owner and operator of any regulated business within the Town and/or Parish.
 - E. Failure of a permittee to cooperate fully with any law enforcement agency or its agents in conducting any official investigation which in any way involves the permit premises, the permit holder, or an agent, servant, or employee. However, a permittee is not required to incriminate himself/herself in violation of state or federal law.

Section Sixteen. Disturbances and complaints

The following shall apply to ALL businesses with an Alcoholic Beverage Permit within the Town of Washington in addition to possible suspension and/or revocation of any permit granted by the Town:

1. It shall be the responsibility of the business owner/operator/permittee/licensee to control patrons inside and exiting their business and to contact the police as necessary to protect their business as well as the health, safety, and welfare of the Town of Washington residents. Businesses contacting the police department to prevent disturbances shall not be penalized unless said disturbances is determined to have been a direct result of negligence on the part of the business or its agents.
2. Disturbances and/or complaints related to the operation of the business holding the Alcohol Beverage Permit are subject to the following penalties:
 - A. In excess of three verified disturbances and/or complaints in 30 days shall subject the business to penalties up to 30 days suspension of their alcohol beverage permit for the

following 30 days AND either \$500.00 fine or confinement to jail for a period of thirty (30) days.

3. Penalties are to be enforced by the Mayor's Court.

Section Seventeen. Former Ordinances.

All former ordinances or resolutions, or parts thereof, in conflict herewith, are hereby repealed.

The foregoing Ordinance being read and considered section by section and as a whole, was submitted and voted upon, and the vote was as follows:

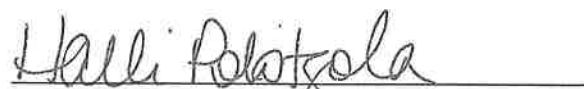
Yeas: Erick Fontenot, Rogers Malveaux, Tanya Doucet, Mary Lavergne
Nays: none
Abstained: none
Absent: Beau Wilson

The ordinance was declared adopted on this 18th day of March 2024.



Mayor, Town of Washington

I hereby certify that the above and foregoing ordinance is a true and correct copy adopted at a regular meeting of the Mayor and Council Members of the Town of Washington, Louisiana, on the 18th day of March 2024.



Town Clerk, Town of Washington