

City of Mansfield
MINUTES OF *REGULAR* PUBLIC MEETING
February 9, 2015

The Board of Aldermen met in regular session on **Monday, February 9th**, in Mansfield City Hall, located at 705 Polk Street. Mayor McCoy called the meeting to order at **4:30 p.m.**, after which an **Invocation** was offered by **Alderman Mitchell L. Lewis**. The Pledge of Allegiance was led by **Alderman Kervin D. Campbell**. Following the pledge, the roll was called, and the following officials were recorded as **Present**: Hon. Curtis W. McCoy, Mary L. Green –District **A**, Roy R. Jones –District **B**, Mitchell L. Lewis –District **C**, and **Kervin D. Campbell** –District **E**. **Absent**:. Joseph Hall, Jr. –District **D**. **Other City Personnel Present**: Brian Phillips (Court Clerk), Gwendolyn Jones (Deputy Clerk), James “*Jim*” Ruffin (Public Works Director), Chief Gary Hobbs (Mansfield Police Dept.), and Richard Johnson, Jr. (City Attorney). **Others Present**: Rev. Earl Montgomery. **Press Present**: None.

It was MOTIONED by **MARY L. GREEN** and SECONDED by **KERVIN D. CAMPBELL** to approve the minutes of the **January 26, 2015 *regular*** City Council meeting and to dispense with the reading. Motion Passed Unanimously.

It was MOTIONED by **MITCHELL L. LEWIS** and SECONDED by **KERVIN D. CAMPBELL** to approve payment of current outstanding bills for this period.

The City Clerk next opened the floor to hear public comments from those in attendance to any item outlined on the meeting agenda. When no comments were offered from the floor, the **Public Comments Period** was then closed.

Old Business:

Item A: A public hearing was held to hear and discuss any comments related to the adoption of proposed **Ordinance No. 1 of 2015** drafted to govern the selling, handling, distributing or otherwise dispensing of alcoholic beverages of low or high alcoholic content in “***Restaurants Only***” in the corporate limits of the City of Mansfield, LA. This Ordinance was first introduced at the Board of Aldermen’s January 26th regular meeting. At this meeting, the Aldermen voted unanimously to authorize the advertisement of the title of the Ordinance and to set the public hearing for this meeting. When no comments were voiced from the Mayor, Aldermen or the floor, the public hearing was subsequently closed.

Item B: It was MOTIONED by **MARY L. GREEN** and SECONDED by **MITCHELL L. LEWIS** to adopt **Ordinance No. 1 of 2015**, which will amend all of Chapter 3, titled “***Alcoholic Beverages***”, of the Mansfield Code of Ordinances.. The Ordinance, in its entirety, will be published in the February 19th edition of ***The Enterprise***, and will officially become effective and enforceable on February 28th. Motion Passed Unanimously. (Full Ordinance recited below):

CITY of MANSFIELD
ORDINANCE NO. 1 OF 2015

AN ORDINANCE AMENDING CHAPTER 3 TITLED, "ALCOHOLIC BEVERAGES",
OF THE CODE OF ORDINANCES OF THE CITY OF MANSFIELD, LOUISIANA,
AND TO PROVIDE FOR RELATED MATTERS

BE IT ORDAINED, by the Mayor and Board of Aldermen of the City of Mansfield, Louisiana, in regular session convened, that Chapter 3 of the Code of Ordinances of the City of Mansfield, Louisiana, is hereby enacted to read as follows:

ARTICLE I. - IN GENERAL

All previous Sections of Chapter 3 contained in the City's Code of Ordinances are hereby repealed by the adoption of this ordinance.

Sec. 3-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- *Alcoholic beverage* means any fluid or solid which is 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 liquor, beer, porter, ale, stout, fruit juice, cider or wine.
- *Alcoholic beverage handling employee* means any alcoholic beverage permit holder or employee, agent, partner, or other person connected with or employed by an alcoholic beverage permit holder, who physically handles, sells or serves any alcoholic beverage or container thereof, for consumption on the premises, including, but not limited to, waiters, waitresses, barmaids, bartenders and managers.
- *Alcoholic beverage permit* means a permit required by and issued pursuant to the provisions of this chapter.

- *Beverage of high alcoholic content* means alcoholic beverage containing more than six percent alcohol by volume.
- *Beverage of low alcoholic content* means alcoholic beverages containing not more than six percent by volume.
- *Chief of police* as used in this chapter shall be the person holding the office of chief of police or the person designated by him to act for him.
- *City clerk* as used in this chapter shall be the person holding the office of city clerk or the person designated by him to act for him.
- *Liquor* means all distilled or rectified alcoholic spirits, brandy, whiskey, rum, gin, and all similar distilled alcoholic beverages, including all dilutions and mixtures of one or more thereof, such as liquors, cordials and similar compounds.
- *Malt beverage* means beverage obtained by alcoholic fermentation of an infusion or by a brewing process or concoction of barley or other grain, malt and hops in water, including, but not limited to, ale, beer, stout, porter, etc. Malt beverages are exclusive of all liquors, whether defined as intoxicating or spirituous liquors, or as alcoholic, vinous or malt liquor, or however otherwise defined as liquors.
- *Motor vehicle* means a motorized vehicle designed to convey person from one place to another on public streets and highways.
- *Open container* means any container or receptacle containing any alcoholic beverage; wherein the stamp or seal has been broken, or any container, bottle or can that contains any alcoholic beverage that has been opened subsequent to the filling of such can, bottle or container by the manufactory, brewery or distillery of such alcoholic beverage. Alcoholic beverages contained in drinking glasses, cups, including plastic glasses and styrofoam cups, regardless of whether such containers has a top affixed thereto, shall be deemed an open container.

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

- *Parking lots* means any public parking lot within the City of Mansfield; any public or school parking lot within the city, and any privately owned parking lot within the city whereon public is allowed without charge.
- *Passenger compartment* means that portion of a motor vehicle designed or intended for occupancy by passengers or the operator of a motor vehicle, This provision shall not apply to alcoholic beverages possessed in vehicles that are not equipped with a trunk such as station wagons, campers, recreational vehicles and SUVs provided that the alcoholic beverage is in some other area of the vehicle not occupied by the driver or passengers. A utility compartment or glove compartment shall be deemed to be within the area occupied by the driver and the passenger.
- *Premises* means the building or the part of the building as defined in the application for the permit in which alcoholic beverages are sold.
- *Private motor vehicle* means any motorized vehicle which is not operating as a licensed passenger or contract carrier, including motorized two- and three-wheel vehicles.
- *Public streets, sidewalks, parks, highways and other public places* means any public streets, sidewalks, grounds, parks, alleys or highways or public parking lots, including privately owned parking lots, within the city wherein parking is allowed without charge, public school parking lots, city parks and public playgrounds and public street right-of-ways within the city.
- *Restaurant establishment* shall be defined as an establishment:
 - (1) Which operates a place of business whose purpose and primary function is to take orders for and serve food and food items and;

(2) Which serves alcoholic beverages in conjunction with meals and;

(3) Which is capable of serving food through the taking of orders, preparing and serving any and all menu items during all hours of operation and;

(4) Which has a minimum seating capacity for 32 patrons to be served at tables and;

(5) Which maintains separate sales figures on alcoholic beverages and upon review of a monthly compilation of said sales figures, sale of alcoholic beverages are less than that of sales of food items;

(6) Which operates a fully equipped kitchen used for the preparation of uncooked foods for service and consumption of such foods on the premises at all times open for business; and

(7) Serves food on all days of operation.

Retail dealer means every person who offers for sale, exposes for sale, has in his possession for sale alcoholic beverages in any quantity to persons other than wholesale or retail dealers.

- *Site specific ABO card* means a card issued for a specific business location which shall be noted on the card.
- *Sparkling wine* means champagne and any other effervescent wine charged with carbon dioxide, whether artificially or as the result of secondary fermentation of the wine within the container.
- *Still wine* means any non-effervescent wine, including any fortified wine,

- vermouth, artificial imitation wine, compound sold as still wine and any fruit juice.

Sec. 3-2. - Exempt products.

(a) The provisions of this chapter shall not apply to the sale of:

- (1) Patents, antiseptic and toilet preparations;
- (2) Flavoring extracts, syrups and food products;
- (3) Scientific, chemical, mechanical and industrial products;
- (4) Alcohol for industrial use or purposes only, and which is denatured so as to be unfit for human consumption.

(b) No person shall knowingly sell any of the products listed in subsection (a) of this section:

- (1) For beverage purposes; or
- (2) Under circumstances from which he may reasonably deduce the intention of the purchaser to use such products for beverage purposes

Sec. 3-3. - Refusal to allow inspection.

No person shall refuse to allow the law enforcement authorities and/or the city clerk of the city to make an inspection of any place or business where alcoholic beverages are sold or handled, or otherwise hinder or prevent the inspection. This inspection shall include, but is not limited to, the inspection of business records, coolers and storage rooms. The inspection allowed under this section is authorized solely for the purpose of ascertaining whether the business is operating as licensed.

Sec. 3-4. - Reports by the chief of police.

The chief of police shall submit a quarterly report to the city council showing the number of arrests made or summonses issued for violation of this chapter. The chief of police shall also provide a quarterly report to the city council of permit holders who have been cited for two or more violations of this chapter within the preceding 12 calendar months.

Sec. 3-5. - Penalty for false statement.

(a) No person shall knowingly make any false statement or provide any false information in their application for an alcoholic beverage holder's permit or for an alcoholic beverage handling employee card.

(b) Whoever violates this section shall be punishable by a fine of not more than \$300.00 or imprisonment of not more than 60 days or both.

Sec. 3-6. - Closing hours.

Between the hours of 12:00 midnight on Saturday till 12:00 p.m. on Sunday, from 12:00 midnight on Sunday till 6:00 a.m. on Monday, and on all other days of the week between the hours of 12:00 midnight and 6:00 a.m. the following morning, it shall be unlawful for any retail dealer to sell, offer to sell, dispense or give away any beverages of either low or high alcoholic content beverage within the city.

Sec. 3-7. - Prohibition of the possession of alcoholic beverages in motor vehicles.

(a) It shall be unlawful for any person to possess, drink, or consume any alcoholic beverage in any "open container" in any motor vehicle when such vehicle is upon the public streets, parks or highways, on any parking lots, streets, sidewalks, alleys, and other public places as defined herein, in the city.

(b) It shall be unlawful for any driver of an automobile to allow a passenger to

possess, drink, or consume any alcoholic beverage in an "open container" in a motor vehicle when such vehicle is upon the public streets, parks, or highways, on any parking lots, streets, sidewalks, alleys, and other public places as defined herein, in the city.

(c) It shall be unlawful for the owner of any private motor vehicle, or the driver, if the owner is not then present in the motor vehicle, to knowingly keep or allow to be kept in a private vehicle when such is upon the public streets, parks, or highways, on any parking lots, streets, sidewalks, alleys, and other public places as defined herein, in the city, any alcoholic beverage in an open container.

Sec. 3-8. - Drinking in public places.

(a) It shall be unlawful for any person to consume alcoholic beverages of high or low alcoholic content on any public streets, parks, or highways, on any parking lots, streets, sidewalks, alleys, buildings, including any public school building, school grounds, football stadium, gymnasium or any place of amusement holding a retail occupational license from the city, including skating rinks, bowling alleys, theaters, night clubs, pool-halls, amusement centers, places of business where the public is invited, and other public places as defined herein, in the city.

(b) It shall be unlawful for any person conducting a business in the city, his employees or agents, including all holders of city occupational retail licenses, all places of amusement, including skating rinks, bowling alleys, theaters, night clubs, amusement centers, places of business where the public is invited, such as washaterias, and other public places as defined herein, in the city, to knowingly permit patrons or anyone to possess or consume alcoholic beverages or have "open containers" on the premises.

Sec. 3-9. - Prohibited sale of alcohol on premises where gasoline or motor fuel is sold.

(a) It shall be unlawful for any person to sell or otherwise dispose of alcoholic beverages, for on-premises consumption, at any place or establishment where gasoline or motor fuel is sold.

(b) The term "any place or establishment" means the entire business premises including the parking area. It shall not be a defense that payment for gasoline and motor fuel is made at place on this premises separate from that where alcoholic beverages and other merchandise is purchased.

Sec. 3-10. - Gallonage tax.

(a) There is hereby levied, in addition to all other excise, license or privilege taxes, a tax on all beverages of low alcoholic content sold and consumed within the city, of \$1.50 per standard barrel of 31 gallons, and at a like rate for fractional parts of a barrel.

(b) The tax levied by this section shall be collected by any and all state wholesale dealers from their vendees purchasing for consumption in the city on each sale and shall be remitted by such wholesale dealers to the Louisiana Secretary of State Department of Revenue or his duly authorized agents for each month, on or before the twentieth day of each succeeding month, respectively, all in accordance with rules and regulations promulgated by the Louisiana Secretary of State Department of Revenue or his duly authorized agents.

(c) 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 by this section, he shall be subject to a penalty of five percent on the amount of tax if the period of delinquency is ten days or less or 20 percent on the amount of tax if the period of delinquency is greater than ten days. If an attorney is called on to assist in

collection, there shall be an additional sum due equal to ten percent of both the amount of the penalties and tax due.

Secs. 3-11-3-15. Reserved.

ARTICLE II. - DEALER'S PERMIT

Sec. 3-16. - Required.

(a) All persons shall annually obtain from the city a permit as provided in this article before engaging in the business of dealing in beverages of high or low alcoholic content.

(b) No person shall do any act for which a permit is required by this article unless such person holds the proper city permits.

(c) Whoever violates this section shall be punished by a fine of not more than \$300.00 or imprisonment of not more than 60 days, or both.

Sec. 3-17. - Separate permit required for each business location.

Any retail liquor dealer making delivery of alcoholic beverages at places other than the place of business specified on the permit requires by this article, except pursuant to prior specific orders therefor received at the place of business, shall be subject to a separate tax as a retail dealer at the place where the sales are made. Each dealer who has paid the tax at one place of business shall not incur further tax for sales of alcoholic beverages to another dealer holding a proper tax stamp if the sales are consummated at the place of business where such dealer's tax stamp is held.

Sec. 3-18. - Notice of application.

(a) Prior to making application for a retail alcoholic beverage outlet permit, each applicant shall insert an appropriate signed notice, similar to the following, in the official journal of the city: "I am applying for a permit to sell alcoholic beverages at retail at following address: _____ in the Parish of DeSoto, City of Mansfield."

(b) The publication of such notice shall not be required of a permit holder seeking renewal of their permits.

Sec. 3-19. - Application.

(a) An application for an alcoholic beverage permit to engage in any business or operation regulated by this article shall be made on forms supplied by the city and shall be submitted to the city clerk for the issuance or denial of the permit, along with the application fee. The applicant shall sign the application and certify that all information contained in the application is true and correct, 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 the permit holder required by this article, and shall be accompanied by an affidavit of the applicant showing that he meets the qualifications and conditions set out in section 3-22, and shall file as part of his application, a list of all alcoholic handling employees. Any applicant which is a partnership or corporation shall, as part of its application, designate an individual as its agent/manager for the purposes of this section.

(b) Unless an applicant is seeking a renewal of his permit, the applicant for a retail dealer's permit shall attach to his application, as a part thereof, a sworn affidavit that he has complied with the provisions of R.S.

(c) Any misstatement of suppression of fact in a permit application or accompanying affidavit shall be grounds for denial, withholding suspension of a permit in the manner provided in this article or by law.

(d) The application fee is non-refundable.

Sec. 3-20. - Administrative issuance.

Upon the application for a permit as provided in this article, the city clerk or his designee, after a proper investigation, including consultation with the chief of police or his designees, may issue the permit when it appears that the application being submitted meets all of the requirements of this article and other applicable laws. However, if the city clerk denies the application or refuses to take action on such application, the applicant can appeal to the mayor and city council and his application shall be submitted to the mayor and city council at a regular or special meeting, and the mayor and city council shall approve or deny the application.

Sec. 3-21. - Certification of the police department.

Unless an applicant is seeking a renewal of his alcoholic beverage permit, he shall be fingerprinted, photographed, and furnish his physical home address, social security number, date of birth, valid picture identification, and any other information as required by the city clerk or the chief of police, and verify that the provisions of subsections 3-22(a)(4), (5), (6), and (7) have not been violated. An applicant for renewal of his alcoholic beverage permit must verify that he has not violated the provisions of subsections 3-22(a)(4), (5), (6), and (7) of this article.

Sec. 3-22. - Qualifications of applicant.

(a). Applicants for permits of all kinds under this article shall meet the following qualifications and conditions:

(1) Be a person of good character and reputation and 21 years of age or older.

(2) Be a citizen of the United States.

(3) Be the owner of the premises or have a bona fide written lease for such premises. In cases where the applicant holds a bona fide written lease, the name and current street address of the lessor shall be shown on the application form filed with the clerk.

(4) Shall not have been convicted of a felony under the laws of the United States, this state or any other state or country.

(5) Shall not have been convicted in the state, or any other state, or by the United States of soliciting for prostitution, pandering, contributing to the delinquency of juveniles, keeping a disorderly place, letting a disorderly place or illegally dealing in controlled dangerous substances.

(6) Shall not have had a license or permit to sell or deal in alcoholic beverages, issued by the United States, any state or 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 him involving alcoholic beverages by the state, any other state or the United States for two years prior to the application.

(7) Has not been adjudged by the state board of alcoholic beverage control or convicted by a court of violating any of the provisions of the state alcoholic control.

(8) Has not been convicted of violating any provisions of this chapter. If the applicant has been convicted, the granting of a permit or of a renewal is within the discretion of the board.

(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 recognized by state law, or any person in such partnership with or financed by another person, all members of such partnership or all persons furnishing the money shall also possess the qualifications required of the applicant as set forth in subsection (a) of this section. The applicant shall name all partners or financial backers, and furnish their social security numbers and proper addresses.

(c) If the applicant is a corporation, all officers and directors and all stockholders owning in the aggregate, more than five 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. The corporation shall be either organized under the laws of the state or qualified to do business within the state.

(d) If the applicant's business is to be conducted, in whole or in part, by one or more managers, agents, servants, employee or other representatives, such persons shall also possess the qualifications required of the applicant in subsection (a) of this section, and shall furnish their social security numbers and correct home addresses; however, convicted felons may be employed by the applicant if alcoholic beverages are not the principal commodities sold, handled or given away in the applicant's business.

Sec. 3-23. - Interposed persons.

No permit shall be issued to any person who is an interposed person for the owner or proprietor of a business. The city may require a full disclosure, in writing and under oath, of the details of the operations of any person it suspects of being interposed for another. The mayor and city council may summarily rule before the mayor and city council for examination of the person suspected of being an interposed person.

Sec. 3-24. - Approval or disapproval of application.

No alcoholic beverage permit shall be issued or renewed until the application therefor has been approved in the manner provided in this chapter. The city clerk is authorized to approve, without delay, any such application when he determines, in his discretion, that the applicant has the prescribed qualifications for such permit and has complied with all applicable provisions of this chapter. If the clerk disapproves such application, he shall notify the applicant in writing and state the reasons for such disapproval. Any applicant aggrieved by the decision of the city clerk may, within ten days from the date such decision is rendered, appeal to the mayor and city council by filing a written request with the office of the mayor for review of such decision. The mayor and city council shall thereafter hold a hearing thereon in accordance with sections 3-91 through 3-98 of this chapter.

Sec. 3-25. - Proximity to churches, schools, etc.

(a) A permit under this chapter shall not be granted for any premises situated within 300 feet or less, from property line to property line, of a public playground or a building used exclusively as a church or synagogue, public library, day-care center, or school except a school for business education conducted as a business college or school. Such distance shall be measured as a person walks using the sidewalk from the nearest point of the property line of the church or synagogue, public library, day-care center 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 the state. The restrictions contained in this section shall not apply to premises which are maintained as a "bona fide" hotel or motel, railway car or fraternal organization.

(b) The provisions of this section shall not apply to registered pharmacists or licensed drugstores which are licensed under state laws and are permitted to sell alcoholic beverages by prescription only, either of high or low alcoholic content under R.S. 26:1 et seq. or R.S. 26:241 et seq. If any premises licensed to deal in beverages of low or high alcoholic content shall be located within a distance less than that provided by this section from property which is purchased or acquired after the license was obtained for the construction, erection, movement or development of a public playground or building used exclusively as a church or synagogue, public library, day-care center, or school, such subsequent purchase or acquisition shall not be grounds for the revocation, withholding, denial or refusal to renew the permit on such premises by city authorities.

(c) For the purposes of this section, the term "public library" means a public library which is located in a permanent structure and is open to the public for three or more days each week.

Sec. 3-26. - Permit fees.

(a) Class AR-B (beer)\$75.00

Allows for sale of beverages of low alcohol content, to be consumed on premises in a restaurant establishment.

(b) Class AR-B&L (high alcohol content)\$500.00

Allows for sale of beverages of high alcohol and low alcohol content, to be consumed on premises in a restaurant establishment.

(c) Only one-half of the charges for a permit fee shall be required after July 1 of each year.

Sec. 3-27. - Issuance and signing.

After the application for a permit under this article has been approved in accordance with section 3-24, it shall be submitted to the director of finance or his designee, who shall forthwith issue the permit.

Sec. 3-28. - Personal nature of permits; necessity of display; penalties.

(a) The following shall apply to permits issued under this article:

(1) Permits are good for 365 days from the date of issuance unless January 1 of the following year comes sooner, then the permit is to be renewed on January 1 of each year, unless the permit is suspended or revoked.

(2) The permit is not transferable, assignable or inheritable.

(b) A permit holder under this article may transfer or assign his permit only after written application to, and with the approval and consent of the city council, who shall have full power to approve or deny any transfer of a permit in the manner as provided for the issuance or rejection of an original application for a permit under this article. However, in the event of the dissolution of a partnership by death, the surviving partners may operate such business under the partnership permit.

(c) Receivers and trustees in bankruptcy may operate under the permit of the person succeeded.

(d) When the location of a place of business is proposed to be changed, the proposal shall be received and must be approved by the issuing authority before

such action is taken. The change of location shall be noted on the permit by the issuing authority and the permit shall be invalid unless the notation is made.

(e) The permit, in addition to any other permit required to be displayed, shall be posted in a conspicuous place on the licensed premises, so as to be easily seen and read by the public.

(f) The failure of the permit to publicly display his permits, as required by this chapter, shall be grounds for the withholding, suspension, or revocation of the holder's permit.

Sec. 3-29. - Expiration

All permits under this article shall expire on December 31 of each year.

Sec. 3-30. - Renewal.

Persons holding permits under this article shall file an application for renewal of such permits for the ensuing year and pay the permit fees which are due on January 1 of each year.

Sec. 3-31. - Delinquency.

If a dealer fails to file an application and pay the fees by March 1 of each year, there shall be added to the fee a delinquency penalty of 20 percent of original fee, plus six percent interest per annum until paid, and if sued on, or placed in the hands of the city attorney for collection, the delinquent owing for such permit shall pay attorney's fees of ten percent penalties and interest.

Sec. 3-32-3-50 Reserved

**ARTICLE III. - PROHIBITED ACTS ON THE PERMITTED PREMISES;
GROUNDS FOR SUSPENSION OR REVOCATION**

Sec. 3-51. - Acts prohibited on premises; suspension or revocation of permits.

(a) Any person holding a retail dealer's permit under this chapter, and his servant, agent or employee, shall not do any of the following acts under the licensed premises:

(1) Sell or serve alcoholic beverages to any person under the age of 21 years old. All persons to be served must submit a valid, current:

a. State driver's license which contains a photograph of the person presenting such driver's license.

b. Driver's license of another state which contains a photograph and a birth date of the person submitting the driver's license.

c. Special identification card issued by the state, pursuant to R.S. 40:1321, which contains a photograph of the person submitting the identification card.

d. Passport or visa issued by the federal government or another country or nation, which contains a permanently attached photograph and the date of birth of the person submitting the passport or visa.

e. Military or federal identification card issued by the federal government which contains a photograph and the date of birth of the person submitting the identification card.

(2) Sell or serve alcoholic beverages to any intoxicated person.

(3) Not allow an employee under the age of 18 to mix alcoholic beverages on the premises.

(4) Permit any prostitute to frequent the premises, or solicit patrons for prostitution on the licensed premises.

(5) Sell, offer to sell, 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 the permit.

(6) Intentionally conduct illegal gambling, as defined by law, on the premises described in the application for the permit.

(7) Employ or permit persons commonly known as B drinkers to solicit patrons for drinks, and to accept drinks from patrons and receive any commission or remuneration in any other way for such drinks.

(8) Illegally sell, offer for sale, possess or permit the consumption on or about the licensed premises of any kind or type of controlled dangerous substances.

(9) Permit any disturbance of the peace or obscenity, or any lewd, immoral or improper entertainment, conduct or practice on the licensed premises.

(10) Permit any person to enter or leave the premises with an opened alcoholic beverage container of any kind.

(11) No alcoholic beverages can be possessed for consumption or consumed on the premises between the hours of 12:00 midnight on Saturday till 12:00 p.m. (noon) on Sunday, from 12:00 midnight on Sunday till 6:00 a.m. on Monday, and on all other days of the week between the hours of 12:00 midnight and 6:00 a.m.

(12) Violation of this section by a retail dealer, his agent, associate employee, representative or servant shall be considered the permit holder's act for purposes of suspension or revocation of the permit.

(13) Violation of this section shall be punishable as provided in sections [3-53](#) and [3-54](#) and shall also be sufficient cause for the suspension or revocation of a permit under this chapter.

(140 Notwithstanding the issuance of a permit by renewal under this article, the city council may revoke or suspend such permit, as prescribed by this article, for violations of this section, which occurred during the permit period immediately preceding the issuance of such permit.

(b)

Each form of identification listed in subsection (a)(1) of this section must establish, on the face of such identification, the age of the person as 21 years or older, and there must not be a reason to doubt the authenticity or correctness of the identification. Any form of the identification listed in subsection (a)(1) of this section shall not be accepted as proof of age if such identification has expired, or is defaced, mutilated or altered. If the driver's license, state identification card or lawful identification submitted is a duplicate, the person shall submit additional information which contains the name, date of birth and picture of such person. In addition, an educational institution identification card, check cashing identification card or employee identification card shall not be considered as lawful identification for the purposes of this subsection

Sec. 3-52. - Additional causes for suspension or revocation of permits.

In addition to any other causes enumerated in this article, alcoholic beverage permits issued by the city clerk may be suspended or revoked for any one 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 section 3-22 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 convention of section 3-23;

(4) If the permit 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 violating any provisions in this chapter.

(6) If the permit holder or person listed in subsection 3-22(b) violates or has violated any provisions of this chapter.

(7) If the permit holder fails to pay any excise taxes due by any regulated business to the city or any other payee.

Sec. 3-53. - Revocation or suspension not exclusive; other penalties.

(a)

Notwithstanding any other provisions of this chapter to the contrary, the mayor and city council may in lieu of, or in addition to revocation or suspension of a permit issued under the authority of this chapter, impose a fine of up to \$300.00, to be paid into the city treasury for:

(b) The revocation or suspension of a permit is in addition to and not in lieu of, or limitation of any other penalty imposed by law.

(c) For the purposes of this section, the term "offense" shall mean each violation of this chapter which the council finds has occurred. More than one offense may be considered by the council in a single hearing.

Sec. 3-54. - Penalties, fines and terms of imprisonment.

In addition to action taken by the mayor and city council in suspending, revoking, fining, or denying any license, permit, card, or application covered by this chapter, any person convicted in a competent court of jurisdiction, of violating any provisions of this chapter shall be punished by a fine of not more than \$300.00

or imprisonment for not more than 60 days, or both, and each day's violation shall constitute a separate offense.

(1) *Officers and agents held responsible for corporate violations.* The officer(s) or agent in charge of any corporation for which license or permit may have been issued hereunder shall be subject to prosecution for any violation by such corporation, and upon conviction shall be punished as provided above.

(2) *License holder, agent, employee or servant, subject to same fine.* Any permit holder, agent, employee or servant of same violating any of the provisions of this chapter, upon conviction, shall be punished as provided above.

Secs. 3-55—3-70. - Reserved.

ARTICLE IV. - EMPLOYEE'S CARD

Sec. 3-71. Alcoholic beverage handling employee card; required application.

(a) It shall be unlawful for any alcoholic beverage permit holder to allow any employee to handle, sell or serve alcoholic beverages of high or low alcoholic content for consumption on the premises of any restaurant, unless such employee is in possession of an alcoholic beverage handling employee card issued under the authority of this chapter. Before employing a person to handle, sell or serve alcoholic beverages, the permit holder shall notify the city clerk of the intended employment and shall have such person obtain an alcoholic beverage handling employee card prior to handling, selling or serving alcoholic beverages for consumption on the premises of any restaurant for which a permit is required by this chapter. The permit holder shall also notify the police department upon termination of any alcoholic beverage handling employee.

(b) It shall be unlawful for any employee to handle, sell or serve alcoholic beverages for consumption on the premises of any restaurant for which a permit is

required by this chapter unless such employee has in his or her possession a current valid alcoholic beverage handling employee card and displays it upon demand of any law enforcement officer or agent.

(c) For the purpose of this section, the term "possession" shall mean the employee shall have the card on his or her person. The employer shall also maintain on file a copy of the current card for all current employees. In the event the employee does not have the card on his or her person, but the employer has the card on file, it shall not be considered a violation of this section by the employer

Sec. 3-72. - Qualifications of applicant.

(a) Each applicant for a Class AR-B or AR-B&L alcoholic beverage handling employee card shall meet the following qualifications and conditions:

(1) They must be a person of good character and reputation and 18 years of age or older.

(2) If the person has been convicted of a felony under the laws of the United States, the State of Louisiana, or any other state or country, they will not be eligible until the expiration of the sentence, including probation and parole. This provision shall not apply to a conviction for which the applicant has received a first offense pardon under the laws of this state, the United States, or any other state.

(3) They have not been convicted in the last two years in this or in any other state, or 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, illegally dealing in controlled dangerous substances or any violation of the controlled dangerous substance statute.

(4) They must not have been convicted of an offense within the last two years or of two or more violations of the provisions of any municipal or parish ordinance, state law, or the United States law relating to alcoholic beverages.

(5) He must not have had a dealer's permit revoked in the last three years which was issued in his name or in the name of a partnership of which he was a partner or in the name of a corporation in which he was a stockholder.

(6) He must not have had his alcoholic beverage handling employee card revoked within the last two years.

(7) An applicant must certify in writing on a form approved by the city clerk that prior to issuance of an ABO card, he or she has read and is familiar with and will comply with the requirements of this article and of this chapter.

(b) Each applicant for an alcoholic beverage handling employee card shall meet all of the qualifications set forth in subsection (a) of this section, provided, however, that the requirements of subsections (a)(4), (5), and (6) may be waived the city clerk for good cause and a site-specific ABO card may be issued with written approval of the owner/manager of the business.

Sec. 3-73. - Issuance or denial.

(a) The city clerk is hereby authorized to issue, without delay, an alcoholic beverage handling employee card when, in his discretion, he finds the applicant to be qualified. If the city clerk disapproves such application, he shall notify the applicant in writing and state the reasons for such disapproval. Any applicant aggrieved by the decision of the city clerk may, within ten days from the date such decision is rendered, appeal to the mayor and city council by filing a written request with the clerk for review by the mayor and council of such decision.

(b) The mayor and city council shall give the applicant and the city clerk or his designee an opportunity to be heard in accordance with the provisions of this chapter and shall thereafter affirm, modify, or reverse the decision of the city clerk. For good cause shown, the mayor and city council may waive one or more of the qualifications, and grant the issuance of the card.

(c) Any person denied an alcoholic beverage handling employee card will not be allowed to reapply for at least six months from the date of denial.

Sec. 3-74. - Contents.

A card issued pursuant to this division shall contain the picture and fingerprints of the person to whom it is issued.

Sec. 3-75. - Fees and terms.

(a) Alcoholic beverage handling employee cards shall expire two years from the date of issuance.

(b) A processing fee of \$20.00 will be charged for a new alcoholic beverage handling employee card application.

(c) A processing fee of \$20.00 will be charged for a renewal application of an existing alcoholic beverage handling employee card.

(d) In the event a card is denied, the fee will not be refunded.

Sec. 3-76. - Valid on premises of any permit holder; exception.

Unless otherwise provided by the city clerk or the mayor and city council, a card for an alcoholic beverage employee shall be good and valid for use on the premises of any alcoholic beverage permit holder, provided that the permit holder has notified the police department of the name and address of the alcoholic beverage

handling employee card holder prior to the employee's employment.
Secs. 3-77—3-90. - Reserved.

ARTICLE V. - HEARINGS; SUSPENSIONS, REVOCATIONS AND DENIALS

Sec. 3-91. - Authority to suspend or revoke alcoholic beverage permits and cards.

The mayor and city council, or the ABCB as appointed shall have authority for the purpose of refusing permits, refusing alcoholic beverage handling employee cards, giving suspensions, and revoking permits for the sale and handling of beer or other alcoholic beverages.

Sec. 3-92. - Hearing and notice; appeals process for all permits suspended, revoked or denied.

(a) Before any alcoholic beverage permit holder or alcoholic beverage handling employee card is suspended, revoked, or when an application for an alcoholic beverage permit or alcoholic beverage handling employee card has been denied and the applicant has appealed to the mayor and city council in the manner provided in sections 3-20, 3-24, or 3-73 of this chapter, the permit holder or the alcoholic beverage handling employee card applicant shall be entitled to a hearing. No such permit or application shall be denied, suspended, revoked unless the aggrieved person has appealed and such a hearing has been held, and the mayor and a majority of the city council votes for such denial, suspension or revocation. The decision of the city clerk in denying the permit or card shall remain in effect unless and until the mayor and city council votes after such hearing to reverse the decision of the city clerk. In cases in which the mayor and city council reverses the decision of the city clerk in denying a permit, the city clerk shall issue the permit and note on it the approval by the decision of the mayor and city council and the date of such decision.

(b) A notice shall be served upon the applicant or holder of the permit stating the

time and place of the hearing to be held by the mayor and city council. The hearing shall be not less than ten nor more than 30 calendar days from the date such notice is received, except that in the case of the denial of a permit or card, if the applicant request an earlier hearing, the mayor and city council may hold the hearing earlier. The notice shall enumerate the causes for withholding, suspending or revoking the permit and shall be sent by certified mail, return receipt requested, to the applicant or holder of the permit at the address of his place of business, as given in his application for the permit, or it may be served on him in person by an officer or employee of the city. In the case of revocation or suspension of a permit, the notice shall subpoena the holder of the permit to appear and show cause why the permit should not be suspended or revoked, or a fine imposed.

Sec. 3-93. - Procedure at hearing; contempt.

(a) The mayor and city council may administer oaths, issue subpoenas for the attendance of witnesses and the production of books, papers, accounts and documents, and examine witnesses and receive testimony at the hearing for suspension, revocation, or denial of permits and cards under this chapter.

(b) If any person fails to comply with a subpoena issued by the mayor and city council, or if a witness refuses to testify in any matter regarding which he may be lawfully interrogated, such failure or refusal shall constitute contempt of the mayor and city council and upon conviction in any court of competent jurisdiction shall be punished pursuant to section 3-54. Notwithstanding any other provision of this chapter, such a conviction of a permit holder shall be cause for suspension or revocation of his permit or card

Sec. 3-94. - Procedure when permit holder or applicant fails to appear at hearing; continuances.

If a permit holder or applicant who has been notified of a hearing for suspension, revocation, or denial of a permit or card under this chapter does not appear, the

hearing may proceed without him and the mayor and city council may consider and dispose of the case. But in all cases the mayor and city council, upon application or ex proprio motu, may grant continuances from time to time. If the continuance is granted to a fixed future date by written consent or in the presence of the permit holder, applicant or his counsel, no further notice of the hearing date need be given. In all other cases the same notice of hearing as in original hearing shall be given.

Sec. 3-95. - Basis for determination by mayor and city council to suspend, revoke or to deny permit or card.

In determining cases involving the suspension or revocation of permits or cards, if the mayor and city council finds that the violation is of a minor nature, or that there are extenuating circumstances, or that there are reasonable grounds to expect that the permit holder or card holder will not again violate any of the provisions of this chapter, the mayor and city council may impose a fine or suspend the permit or card for such time as it thinks proper, not to exceed 365 days. If the permit or card holder has previously been fined or had a permit suspended or revoked, whether by state or local authorities, or if the violation is flagrant or serious, or in the case of multiple violations in a 365-day period, the mayor and city council may revoke the permit or card. The mayor and city council shall thereafter immediately notify the permit or card holder, state authorities, and the chief of police of its action. The mayor and city council shall retain jurisdiction to reopen or reverse its former findings and decisions and all such cases shall be heard and determined under the same rules of procedure as original cases.

Sec. 3-96. - Recovery of cost of hearing.

In hearing of the mayor and city council which finally result in withholding the issuance of a holder's permit or card, or in suspending or revoking a permit or card, the mayor and city council shall assess the costs of the hearing to the applicant or permit holder. The costs are recoverable by the mayor and city council in any appellate proceeding instituted by the applicant or permit holder. The costs are recoverable by the mayor and city council in an appellate proceeding instituted by the applicant or permit or card holder or in any other appropriate judicial proceeding.

Sec. 3-97. - Decisions to deny, suspend or revoke permits or cards final unless appealed and reversed.

Decisions of the mayor and city council in denying, suspending or revoking permits are final and binding on all parties unless appealed in the manner provided in sections 3-20, 3-24, and 3-92 of this chapter and finally reversed by the courts.

Sec. 3-98. - Appeal of decision to deny, suspend or revoke permits or cards.

The applicant or holder on an alcoholic beverage permit or alcoholic beverage handling employee card who is aggrieved by a decision of the mayor and city council to deny, suspend or revoke his permit or card may, within ten days of the notification of the decision, take a devolutive appeal to the district court having jurisdiction over his place of business or the subject matter, and on such appeal, the trial shall be de novo. After judgment has been rendered by the district court, the city or the applicant or holder of the permit or card, as the case may be, may appeal from the judgment of the district court to the court of appeals as in ordinary civil cases and in accordance with the Code of Civil Procedure

Secs. 3-99—3-105. - Reserved.

ARTICLE VI. - ALCOHOL BEVERAGE CONTROL BOARD (ABCB)

Sec. 3-106. - Authority to appoint.

(a) The mayor and city council, in its discretion, may serve as the Alcoholic Beverage Control Board (ABCB), or may by resolution, establish a separate independent ABCB and shall appoint five members for four-year terms. A member whose term has expired shall continue to serve until his or her successor is appointed in the manner as herein provided.

(b) In the event of death or resignation of a board member prior to expiration of his or her term, a successor shall be appointed for the unexpired term in the same

manner as the deceased or retiring board member was appointed, and shall take office immediately upon appointment. Such successor board member shall be eligible for reappointment to a full term.

(c) No person shall be appointed to the ABCB unless he or she is a resident of the city. Members of the ABCB shall administer the laws governing the alcoholic beverages as enacted by the State of Louisiana and the City of Mansfield.

(d) The city council may terminate the ABCB by resolution.

(e) The ABCB shall have no legislative powers.

Sec. 3-107. - ABCB hearings; dispositions.

The ABCB is vested with the authority to conduct hearings on revocation or suspension of alcoholic permits and alcoholic beverage handling employee card holder issued under this chapter in the same manner, and with the same authority as the city council.

SECTION 1:

This Ordinance was introduced at the Council meeting on January 26, 2015, with public notice advertised on February 5, 2015.

SECTION 2:

This Ordinance becomes effective on February 28, 2015.

All Ordinances or parts of Ordinances in conflict herewith shall hereby be rescinded.

