

PROCEEDINGS OF THE CITY COUNCIL OF BOSSIER CITY
STATE OF LOUISIANA TAKEN AT THE REGULAR MEETING
JANUARY 22, 2019

The City Council of the City of Bossier City, State of Louisiana, met in regular session in Council Chambers, 620 Benton Road, Bossier City, Louisiana, January 22, 2019, at 3:00 PM

Invocation was given by Council Member Scott Irwin

Pledge of Allegiance led by Council Member Don Williams

Roll Call as follows:

Present: Honorable Councilor Jeff Free, President, Honorable Councilors, David Montgomery, Jr, Timothy Larkin, Scott Irwin, Don Williams and Thomas Harvey

Absent: Honorable Councilor Jeffery Darby

Also Present: Mayor, Lorenz Walker, City Attorney, Jimmy Hall and City Clerk, Phyllis McGraw.

By: Mr. Larkin

Motion to approve minutes January 8, 2019, Regular Meeting and dispense with the reading.

Seconded by Mr. Irwin

No comment

Vote in favor of motion is unanimous

By: Mr. Montgomery, Jr.

Motion to add on Agenda Item #17 under New Business –Introduce an Ordinance authorizing the sale of 6.280 acres of land at \$60,000 an acre to EDKO, LLC and authorizing Mayor Lorenz Walker to execute any and all documents in connection therewith.

Seconded: Mr. Williams

Mr. Montgomery and Mr. Hall confirmed that the Melrose Rd. extension shown on the preliminary plat would not be built and the purchaser understands that.

No further comment

Vote in favor of motion is unanimous

By: Mr. Montgomery, Jr.

Motion to approve Agenda as amended.

Seconded by Mr. Williams

No comment

Vote in favor of motion is unanimous

Ceremonial Matters/Recognition of Guests

None

Committee Reports-

Mark Hudson, City Engineer, gave the Council his Monthly Project Report. He updated Council on possible connection between the Walmart and Kroger properties, turn lane at Sunflower, Centurylink Roof replacement and Walter O. Bigby Carriageway along with other City projects.

Stacie Fernandez, City Finance Director, gave the Council the Monthly Financial Report for month ending December 2018. She noted Sales Taxes are still up over the same time last year, no change in manning level since the November Report, she also went over totals of revenue and expenditures for December.

Unfinished Business –

The following Ordinance offered and adopted:

ORDINANCE NO. 7 OF 2019

AN ORDINANCE TO APPROVE THE MAYOR TO EXECUTE AN ACT OF DONATION TO ACCEPT LOT 1000 OF VICTORIA MEADOWS SUBDIVISION, UNIT NO. 1, AS PER PLAT RECORDED IN BOOK 1601, PAGE 528-529 OF THE RECORDS OF BOSSIER PARISH.

WHEREAS; Lot 1000 (Lift Station Site) of Victoria Meadows, Unit No. 1, serves only as a Utility Easement and includes a Sewer Lift Station intended to be the property of Bossier City; and

WHEREAS; the owner of Lot 1000 wishes to donate the lot to the City of Bossier City.

WHEREAS; Subdivision Plat, Victoria Meadows Unit 1 is attached to and is a part of this ordinance.

NOW, THEREFORE, BE IT ORDAINED, that the City Council of Bossier City, Louisiana, in regular session convened, hereby approves the Mayor to execute an Act of Donation to accept Lot 1000 of Victoria Meadows Subdivision, Unit No. 1, as per plat recorded in book 1601, page 528-529 of the records of Bossier Parish.

BE IT FURTHER ORDAINED, that the Mayor is hereby authorized to sign any and all instruments in connection with the furtherance of this Ordinance.

The above and foregoing Ordinance was read in full at open and legal session convened, was on motion of Mr. David Montgomery, Jr. and seconded by Mr. Don Williams, and adopted on the 22th, day of January, 2019, by the following vote:

AYES: Mr. Montgomery, Jr., Mr. Larkin, Mr. Irwin, Mr. Williams, Mr. Free and Mr. Harvey

NAYS: none

ABSENT: Mr. Darby

ABSTAIN: none

Jeff Free, President

Phyllis McGraw, City Clerk

The following Ordinance offered and adopted:

ORDINANCE NO. 8 OF 2019

AN ORDINANCE TO APPROPRIATE \$14 MILLION TO COME FROM THE 2018 LCDA BOND FUND TO BE USED TO DESIGN, DEVELOP, AND CONSTRUCT TINSLEY PARK BASEBALL IMPROVEMENTS.

WHEREAS; the City Administration and City Council desires to provide baseball improvements to Tinsley Park to include but not be limited to a five field cluster of new fields, concession

building, an ADA playing field, new parking, utility extensions, wetland mitigation, enhancement of existing fields, and other miscellaneous improvements to the Tinsley Park Baseball facility;

WHEREAS; \$14 million is available from the 2018 LCDA Bond Fund;

NOW, THEREFORE, BE IT ORDAINED, in regular session convened that the Bossier City Council does hereby appropriate \$ 14 million to come from the 2018 LCDA Bond Fund to be used to design, develop, and construct Tinsley Park Baseball improvements.

BE IT FURTHER ORDAINED, that the Mayor is hereby authorized to sign any and all instruments in connection with the furtherance of this Ordinance.

The above and foregoing Ordinance was read in full at open and legal session convened, was on motion of Mr. David Montgomery, Jr. and seconded by Mr. Timothy Larkin, and adopted on the 22th, day of January, 2019, by the following vote:

AYES: Mr. Montgomery, Jr., Mr. Larkin, Mr. Irwin, Mr. Williams, Mr. Free and Mr. Harvey

NAYS: none

ABSENT: Mr. Darby

ABSTAIN: none

Jeff Free, President

Phyllis McGraw, City Clerk

The following Ordinance offered and adopted:

ORDINANCE NO. 9 OF 2019

AN ORDINANCE TO APPROPRIATE \$19,000.00 TO COME FROM THE GENERAL FUND/ BUILDING MAINTENANCE AND REPAIRS TO BE USED TO REPLACE A STOVE TOP VENT HOOD FOR THE BUILDING LOCATED AT 716 BEARKAT DRIVE.

WHEREAS; the Bossier Lions Club has used the City owned building located at 716 Bearkat Drive for its meetings for many years;

WHEREAS; the Lions Club has paid for various repairs and improvements to the building including but not limited to insurance, roof repairs, plumbing and air conditioning repairs;

WHEREAS: The stove top vent hood is old, non-operable and out of compliance with present standards, with a new hood estimated to cost \$19,000.00 complete and installed;

NOW, THEREFORE, BE IT ORDAINED, in regular session convened that the Bossier City Council does hereby appropriate \$19,000.00 to come from the General Fund/ Building Maintenance and Repairs to be used to replace a stove top vent hood for the building located at 716 Bearkat Drive.

BE IT FURTHER ORDAINED, that the Mayor is hereby authorized to sign any and all instruments in connection with the furtherance of this Ordinance.

The above and foregoing Ordinance was read in full at open and legal session convened, was on motion of Mr. Scott Irwin and seconded by Mr. David Montgomery, Jr., and adopted on the 22th, day of January, 2019, by the following vote:

AYES: Mr. Montgomery, Jr., Mr. Larkin, Mr. Irwin, Mr. Williams, Mr. Free and Mr. Harvey

NAYS: none

ABSENT: Mr. Darby

ABSTAIN: none

Jeff Free, President

Phyllis McGraw, City Clerk

The following Ordinance offered and adopted:

Ordinance No. 10 Of 2019

ADOPT AN ORDINANCE TO APPROPRIATE FUNDS TO COVER CONSTRUCTION COST FOR THE SEWER SUB-BASIN BC-14 REHABILITATION PROJECT FOR A TOTAL OF \$2,093,000.00 TO COME FROM THE SEWER CONTINGENCY FUND

WHEREAS the final opinion of construction costs for the Sewer Sub-Basin BC-14 Rehabilitation Project is \$2,093,000.00. (see attachment *Sewer Sub Basin BC-14 Rehabilitation Project – Final Opinion of Construction Cost* for estimated detailed breakdown of the costs); and

WHEREAS, \$2,093,000.00 may be appropriated from the Sewer Contingency Fund.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Bossier City, Louisiana, in regular session convened, that the Bossier City Council does hereby appropriate \$2,093,000.00 may be appropriated from the Sewer Contingency Fund to cover the construction costs for the Sewer Sub-Basin BC-14 Rehabilitation Project.

The above and foregoing Ordinance was read in full at open and legal session convened, was on motion of Mr. Don Williams, and seconded by Mr. David Montgomery, Jr., and adopted on the 22th, day of January, 2019, by the following vote:

AYES: Mr. Montgomery, Jr., Mr. Larkin, Mr. Irwin, Mr. Williams, Mr. Free and Mr. Harvey

NAYS: none

ABSENT: Mr. Darby

ABSTAIN: none

Jeff Free, President

Phyllis McGraw, City Clerk

The following Ordinance offered and adopted:

Ordinance No. 11 Of 2019

AN ORDINANCE REPEALING AND REENACTING CHAPTER 6 – ALCOHOL BEVERAGES OF THE BOSSIER CITY CODE OF ORDINANCES

WHEREAS, the City Council of Bossier City would like to repeal and reenact Chapter 6 – Alcohol Beverages of the Bossier City Code of Ordinances to include as follows:

Chapter 6 - ALCOHOLIC BEVERAGES

ARTICLE I. - IN GENERAL

Sec. 6-1. - Definitions.

For the purposes of this chapter, the following terms shall have the respective meanings ascribed to them in this chapter except where the context clearly indicates a different meaning:

Alcoholic beverage means any fluid or any solid 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 liquors, beer, porter, ale, stout fruit juices, cider or wine.

Alcoholic beverage handling employee means any alcoholic beverage permit holder, or employee, agent, partner or other person connected with an alcoholic beverage permit holder, his agent, partner or employee who is present on the premises when any alcoholic beverages or containers thereof are handled, dispensed or consumed 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 article II of this chapter.

1. *Bar or cocktail lounge* means an establishment for the sale of alcoholic beverages for consumption on or off the premises. Snack foods or other prepared food may be available for consumption on the premises as an ancillary use. Generally, in accordance with this chapter, any restaurant where sales of food items make up less than sixty percent (< 60%) of all gross sales is considered a bar.
2. *Beer or alcoholic malt beverages* means beverages obtained by alcoholic fermentation of an infusion or by a brewing process or concoction of barley or other grain, malt, sugars, and hops in water, including among other things, ale, beer, stout, porter, and the like. Alcoholic malt beverages are exclusive of all "liquors" whether they be defined as intoxicating or spirituous liquors, or as alcoholic, vinous, or malt liquors, or however otherwise defined as liquors, which are produced by distillation.

Beverages of high alcoholic content means alcoholic beverages containing more than six percent (> 6%) alcohol by volume.

Beverages of low alcoholic content means alcoholic beverages containing six percent or less (\leq 6%) alcohol by volume.

3. *Bona fide nonprofit organization* is defined as an organization which is not organized for the purpose of making a profit, and which is exempt from federal income taxation under section 501 of the Internal Revenue Code. A bona fide nonprofit organization shall mean:
 - a. A nonprofit corporation, community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or to foster national or international amateur sports competition or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual;
 - b. A civic league or organization not organized for profit but operated exclusively for the promotion of social welfare, and the net earnings of which are devoted exclusively to charitable, educational, or recreational purposes, no part of the net earnings of which inures to the benefit of any private shareholder or individual;

- c. A business league or chamber of commerce, not organized for profit, no part of the net earnings of which inures to the benefit of any private shareholder or individual.
4. *Bona fide private club* is defined as a voluntary, incorporated or unincorporated association of persons for purposes of a social, literary, political, or other noncommercial nature which is patronized only by its members and any guests which have been specifically invited by and accompany such members. No fee or donation shall be required for admittance to the club. This would not preclude the assessing of annual or monthly membership dues for its members. Equitable ownership of such club must be held exclusively by its members. It must be nonprofit in nature, in that it must not be designed primarily to pay dividends on invested capital nor incomes to its members. After the issuance of the permit, the holder thereof must at all times meet the requirements of this section in order to be considered a bona fide private club.
5. *Bona fide restaurant* shall be defined as:
 - (a) The establishment is a place of business whose intended purpose and primary function is to take orders for and serve food and food items;
 - (b) The establishment serves alcoholic beverages in conjunction with meals;
 - (c) The establishment serves food at all times of operation;
 - (d) The establishment 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;
 - (e) The establishment has been certified by the local health department showing compliance with all health and sanitary requirements; and
 - (f) At least 60 percent of all gross sales must be generated by food items and all alcoholic beverage sales shall be maintained separately.
6. *Brewer* is a specific type of "manufacturer" who, directly or indirectly, personally or through any agency or business entity, engages in the making, blending, rectifying, brewing or other processing of beer or any other alcoholic malt beverages in Louisiana, or outside the state, for shipments to licensed wholesale dealers within the state subject to the provisions of state law. A brewer who operates a brewing establishment entirely located in the City of Bossier City may also sell or serve only those products brewed at that establishment, to the public only at that establishment, for consumption on or off the premises (but not for resale). A brewer who sells or serves its products to the public, at its establishment, shall comply with all local zoning laws and regulations in the Unified Development Code of the City of Bossier City.
7. *Brewery* means an establishment where a brewer engages in the making, blending, rectifying, brewing or other processing of any alcoholic malt beverages for consumption on or off the licensed premises in accordance with Louisiana state law.
8. *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.
9. *Food service establishment* shall mean an establishment which meets the following criteria:
 1. The establishment prepares food for human consumption, either for individual service or for a group of people, whether consumption is on or off the premises and regardless if there is a charge for the food.
 2. The term "food service establishment" does not include:

- a. Private homes where food is prepared or served for individual family consumption;
- b. Private clubs where food is prepared and served exclusively for member consumption;
- c. Religious or charitable food sales;
- d. A bar or lounge that serves beverages only;
- e. Temporary establishments such as a venue that is rented on a temporary basis for events;
- f. Seasonal establishments such as farmer's markets;
- g. Nursing facilities;
- h. Public, private, or parochial schools; and
- i. Bed and breakfast operations

10. *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 of the foregoing, such as liquors, cordials, and similar compounds.

11. *Motor vehicle* means a motorized vehicle designed to convey a person from one place to another on public streets and highways. "Motor vehicle" does not include motorized golf carts operated on public golf courses, aircraft, boats, or motor homes as defined in R.S. 32:1252.

12. *Open container* means any alcoholic beverage container that contains an alcoholic beverage on which the seal or stamp has been broken or that has been opened subsequent to the filling of such container by the manufacturer, brewery, distillery or dispenser of such alcoholic beverage. Open container shall also mean any drinking glass, cup, can or any other receptacle containing an alcoholic beverage.

13. *Passenger compartment* means that portion of a motor vehicle designed or intended for occupancy by passengers or the operator of a motor vehicle, including portions which may be intended for cargo but which are accessible to the operator or passengers. The fact that neither the operator nor passengers could actually reach the cargo area while seated shall be irrelevant. It does not include the trunk of a car or the bed of a pickup unless these areas are occupied by passengers.

14. *Premises* means the building or that part of the building as identified and defined by an applicant in the application, or in a later amended or revised document or application, for local alcohol permit(s) in which alcoholic beverages are sold. In cases where alcoholic beverages are to be sold or served outside the building the term "premises" shall also include such outside areas so long as all outdoor areas have been properly identified and defined by the applicant or permittee/licensee in the application, or in a later amended or revised document or application for the local alcohol permit(s).

15. *Premises—Licensed premises or permitted premises* means the building or that part of the building as identified and defined by an applicant for a local alcohol permit(s) in which the application has been approved by the Bossier City Police Department for the sale of alcoholic beverages. The licensed premises or

permitted premises where alcoholic beverages are to be sold or served outside the building shall also include such outside area so long as all lawful permits and/or licenses are obtained and the outdoor area has been properly identified and defined by the applicant or permittee/licensee in the application, or in a later amended or revised document or application for the approved local alcohol permit(s).

16. *Public possession* means the possession of any alcoholic beverage for any reason, including consumption, on any street or highway or in any public place or any place open to the public, including any wholesale or commercial business, lounge, club, or night club which is de facto open to the public. "Public possession" does not include the following:

(1) The possession or consumption of any alcoholic beverage:

- a. For an established religious purpose.
- b. For medical purposes when prescribed or administered by a licensed physician, pharmacist, dentist, nurse, hospital, or medical institution.
- c. In private residences.

(2) The sale, handling, transport, or service in dispensing of any alcoholic beverage pursuant to lawful employment of a person at least 18 years of age by a duly licensed manufacturer, wholesaler, or retailer of beverage alcohol.

17. *Public streets, parks, and highways* means any public street, highway, alley or other public right-of-way or publicly owned park, playground, or parking lot, including any parking lots owned, leased, or controlled by any federal, state, parish, or municipal government.

18. *Purchase* means acquisition by the payment of money or other consideration.

19. *Retail dealer* means every person, other than a manufacturer or wholesale dealer, who, as a business, handles, holds, sells, offers for sale, solicits orders for the sale of, distributes, delivers, serves, or has in his possession for sale or distribution, any alcoholic beverage; or operates a place of business where any person draws or removes any alcoholic beverage from its container for consumption on or off the premises.

20. *Site specific ABO card* shall mean a card issued for a specific business location which shall be noted on the card.

21. *Temporary alcohol permit* means an alcohol permit issued by the Chief of Police in accordance with subsection 6-39.

22. *Festival Plaza Region* as defined:

Beginning at the intersection of the North Right of Way line of Barksdale Blvd. and the East Right of Way line of Minden Street and using this point as the POINT OF BEGINNING of the description of the Festival Plaza Region;

Then proceed East along the North Right of Way line of Barksdale Blvd. through the intersection of Arcadia Street and continue East to the Southwest corner of the Festival Plaza;

Then proceed North along the West boundary of the Festival Plaza to the rear of the Festival Plaza;

Then proceed East along the North boundary of the Festival Plaza and crossing Monroe Street to the East Right of Way line of Monroe Street;

Then proceed South along the East Right of Way line of Monroe Street to the intersection of the North Right of Way line of Barksdale Blvd.;

Then proceed East along the North Right of Way line of Barksdale Blvd. to the intersection of the West Right of Way line of Mansfield Street;

Then proceed South across Barksdale Blvd. to the intersection of the South Right of Way line of Barksdale Blvd. and the West Right of Way line of Mansfield Street;

Then proceed West along the South Right of Way line of Barksdale Blvd. through the intersection of Monroe Street and through the intersection of Arcadia Street to a point in line with the East Right of Way line of Minden Street;

Then proceed North across Barksdale Blvd. to the intersection of the North Right of Way line of Barksdale Blvd. and the East Right of Way line of Minden Street and also being the POINT OF BEGINNING.

23. *Wholesale dealer* means any person who sells alcoholic beverages to other licensed wholesale dealers or to licensed retail dealers.

Class "A" refers to a permit that authorizes the dealer to sell designated beverages for consumption on or off the premises.

Class "B" refers to a permit that authorizes the retailer to sell designated beverages in sealed containers prepared for transportation and consumption off the premises.

Class "C" refers to a permit that authorizes retailers to sell or disburse alcoholic beverage of an alcoholic content of not more than 20 percent by volume for consumption on premises with food, in a bona fide restaurant as defined in section 6-10.

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

Secretary means the secretary of the state department of revenue or his duly authorized agents.

Wholesale dealer means any person who sells alcoholic beverages to other licensed wholesale dealers or to licensed retail dealers.

State Law reference— Similar provisions, R.S. 26:241.

Sec. 6-2. - 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 secretary for each month, on or before the twentieth day of each succeeding month, respectively, all in accordance with rules and regulations promulgated by the secretary of the state department of revenue and taxation.
- (c) The failure of any wholesale dealer to collect and remit the tax levied by this section when due, or the failure to pay the tax when due by the purchaser for consumption in the city shall, ipso facto, render each of them liable for the amount of the taxes found to be due, together with a penalty of five percent on the amount of the tax if the period of delinquency is ten days or less or 20 percent on the amount of the tax if the period of delinquency is greater than ten days, plus an additional amount of ten percent on the

amount of the tax and penalty, as attorney's fees, if referred to attorneys for collection.

State Law reference— Gallonage tax, R.S. 26:492.

Sec. 6-3. - Sales location to conform to chapter 122.

- (a) It shall be unlawful for any person to sell, barter, exchange or otherwise dispose of alcoholic beverages except within those sections of the city wherein such sale is permitted by chapter 122.
- (b) The provisions of this section shall not apply to the sale of packaged beverages of low alcoholic content for consumption on premises of authorized fairs or festivals when such fairs and festivals are approved by the city council.
- (c) For purposes of this section, the term "packaged beverages of low alcoholic content" shall mean alcoholic beverages containing not more than six percent alcohol by volume served directly from a package filled, sealed and labeled by a manufacturer licensed to do so under federal law. It shall not include alcoholic beverages mixed with any substance other than ice after the manufactured package is opened.

State Law reference— Similar provisions, R.S. 26:81, 26:281.

Sec. 6-4. - Sale near schools, churches, etc.

- (a) It shall be unlawful for any person to sell or otherwise dispose of any alcoholic beverages from, and no permit shall be granted for, any premises situated within 300 feet or less distance of [a full time day care center as defined in R.S. 17:405(A)(4)], public playground or of a building occupied exclusively as a bona fide church, synagogue, public library, or school, except a school for business education as a business college or school. The 300 feet shall be interpreted to mean as a person walks using sidewalks from the nearest point of the property line of the public playground, church, synagogue, public library or school to the nearest point of the premises for which an alcoholic beverage permit is sought, as described in the application for permit.
- (b) These restrictions shall not apply to any premises which are maintained as a bona fide hotel, railway car, or bona fide fraternal organization.
- (c) For the purposes of this section, the term "public library" shall mean a public library which is located in a permanent structure and is open to the public for three or more days per week.

State Law reference— Location restrictions authorized, R.S. 26:81, 26:281.

Sec. 6-5. - Location exceptions.

The prohibitions in sections 6-3 and 6-4 do not apply to any premises which are maintained as a bona fide hotel, or fraternal organization, nor to any premises which have been licensed to deal in alcoholic beverages for a period of one year or longer prior to the adoption of the respective ordinances from which such sections are derived.

State Law reference— Similar provisions, R.S. 26:81.

Sec. 6-6. - Sale prohibited at places where gasoline or motor fuel is sold.

- (a) It shall be unlawful for any person to sell or otherwise dispose of alcoholic beverages, other than those of low alcoholic content for off-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 parking area. It shall not be a defense that payment for gasoline and motor fuel is made at a place on this premises separate from that where alcoholic beverages and other merchandise is purchased. Provided, the definition stated in this subsection, shall not apply to businesses that were engaged in the sale of motor fuel, and alcoholic beverages on the same business premises, but at separate places, prior to and on the effective date of the amendment and re-enactment of this section.

- (c) The provisions of this section shall not be applicable to facilities of 40,000 square feet or larger.

Sec. 6-7. - Sign required relative to sales to underage persons.

Each and every place or establishment where alcoholic beverages are sold or dispensed at retail, or otherwise, in the city, shall have a sign displayed in a prominent place, clearly visible to all, stating that no beverages of low or high alcoholic content will be sold or dispensed to persons under 21 years of age. Such sign shall not be less than two feet long and one foot wide, in prominent letters sharply contrasting in color with the background of the sign.

Sec. 6-8. - 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 street, sidewalk, (except as designated in the subpart "9" of this section), park, building, including any public school building, school grounds, football stadium, gymnasium, or any place of amusement holding a retail occupation license from the city including skating rinks, bowling alleys, theaters, pool halls, dance halls, and amusement centers.
- (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, dance halls, and amusement centers and all places of business where the public is invited, such as laundry mats, to knowingly permit patrons or anyone to possess or consume alcoholic beverages on the premises of such businesses.
- (c) This section shall not apply to persons who have alcoholic beverage permits from the city; provided, however, that this exception applies only to alcoholic beverages covered by the holder's permit.
- (d) This section shall not apply to the sale or consumption of alcoholic beverages in the Bossier City Civic Center for which a one event alcoholic beverage permit has been issued in accordance with procedures in this chapter.
 - (1) The term "event", as pertains to civic center operations is defined in section 26-33. Events are normally one to three consecutive days' duration. For purposes of one event alcoholic beverage permits, events will not exceed seven consecutive days' duration.
 - (2) The applicant must have an approved contract to conduct an event in the Bossier City Civic Center. That contract must have an addendum which states the applicant is authorized to sell or serve alcoholic beverages subject to all applicable laws, regulations, and fees applicable thereto.
 - (3) Applications for permits must be completed not less than ten days prior to the first day of the contracted event.
 - (4) The civic center executive director is delegated authority to approve/disapprove applications for one event alcoholic beverage permits for a contracted event in the Bossier City Civic Center. Prior to processing the permit, applicants will be required to read and sign an acknowledgement/certification statement pertaining to laws, ordinances, restrictions and/or procedures concerning sale or consumption of alcoholic beverages. This will be co-signed by the civic center executive director prior to processing a permit application. A copy of this statement and the approved application will be immediately forwarded to the police chief, vice section. The police chief or chief of the vice section has authority to cancel any permit issued by the civic center executive director.
 - (5) Permits are valid for one event only, not to exceed seven consecutive days' duration.
 - (6) Permits are valid only for events conducted in the Bossier City Civic Center for which a contract has been signed by the executive director. Fees for one event permits are as follows:
 - a. One day \$ 25.00
 - b. Second day 15.00
 - c. Each additional day, each 10.00

- (7) All other provisions of this chapter regarding alcoholic beverages which are not inconsistent with provisions of this section apply.
- (8) The civic center will maintain a file copy of approved permits for at least one year following the event.
- (9) The provisions of this section shall not apply to persons consuming alcoholic beverages in designated containers on any public street, sidewalk or public area located within the Festival Plaza Region as described in the map designated as Exhibit "A" attached hereto further described in the legal description attached hereto as Exhibit "B".

I. Permitting

- (a) In order to qualify for a permit in the region under the provisions of this section the applicant shall be a city licensee that is authorized by the City to sell alcoholic beverages at retail for on-premises consumption; and
- (b) No adverse criminal, quasi-criminal, or administrative action shall be pending or shall have been taken in the immediately preceding 12-month period against the city licensee or its owner related to the retention of the license or the operation of the city licensed premises.
- (c) A city licensee that meets the qualifications of sections (a) and (b) may apply to the BCPD for a permit.

II. Regulations

- (a) It shall be unlawful for any permittee to sell, barter, give or otherwise dispense alcoholic beverages under the provisions of this section between the hours of 2:00 a.m. to 10:00 a.m. each day of the week.
- (b) It shall be unlawful for any person to possess or consume alcoholic beverages in any parking area in the region.
- (c) It shall be unlawful for any permittee to allow any person to leave the premises with an alcoholic beverage except in a non-glass container not exceeding a volume of 16 fluid ounces which is provided to a customer by the permittee bearing the name or logo of the establishment and that has been approved for use by the Bossier City Police Department.
- (d) It shall be unlawful for any person to possess or consume alcoholic beverages from any container in the region other than a non-glass container received from a permittee bearing the name or logo of the establishment from which it was received.
- (e) It shall be unlawful for any person to re-use or to knowingly allow the re-use of an approved container for an alcoholic beverage and nothing in this section shall be construed to authorize the same.
- (f) It shall be unlawful for any person to possess, dispense or consume any alcohol in the region from an ice chest, vehicle, recreational vehicle or in any other manner except from a licensed permittee in the approved container provided by the permittee.
- (g) It shall be unlawful to use any recreational vehicle, tent, truck or other facility within the region for tailgating, serving, consuming or

possessing alcoholic beverages except by licensed permittees from the licensed retail premises.

- (h) Nothing in this section shall be construed to authorize any person to violate the open container law of the City of Bossier City.
- (i) Nothing in this section shall be construed to authorize any person to violate the state and city laws against underage drinking.
- (j) During festival events that have projected capacity to warrant it, traffic control devices shall be utilized to control traffic on streets in the Festival Plaza Region.
- (k) Vendors may be allowed to sell alcoholic beverages from carts on mobile stations in the Festival Plaza Region if licensed to do so by the Bossier City Police Department.

Cross reference— Streets, sidewalks and other public places, ch. 98.

Sec. 6-9. - Hours of operation of retail and wholesale dealers.

- (a) It shall be unlawful for any retail or wholesale dealer to sell, barter, give or otherwise dispense alcoholic beverages or to permit or admit any member of the public into an establishment, or part thereof, where alcoholic beverages are the principal commodity sold, between the hours of 2:00 a.m. and 7:00 a.m. on weekdays and between the hours of 2:00 a.m. on Sunday until 7:00 a.m. the following Monday, except as provided for in section 6-10.
- (b) In any establishment or part thereof where alcoholic beverages are the principal commodities sold or handled the alcoholic beverage permit holder shall remove all patrons and members of the public from the premises by 2:30 a.m. and the lights in the premises shall be extinguished and all doors to such premises will be locked. Further the lights will remain extinguished including outside lights until the premises opens for business as provided in subsection (a) of this section, except the permit holder and his employees or agents may enter the closed premises for the purpose of cleaning, taking stock or other work in the establishment.
- (c) It shall be unlawful for any person to purchase or solicit any other person to sell beverages of high or low alcoholic content within the city limits at such times and places when and where such sales are prohibited.

Sec. 6-10. - Sunday sales.

It shall be unlawful for any retail or wholesale dealer to sell, barter, give or otherwise dispense alcoholic beverages of high alcoholic content between the hours of 2:00 a.m. Sunday until 7:00 a.m. the following Monday, except for bona fide restaurants as provided for in this chapter.

- (1) The following provisions shall apply to bona fide restaurants:
 - a. A bona fide restaurant, as defined in this section, shall be permitted to serve alcoholic beverages on Sundays but only between the hours of 12:00 noon and 12:00 midnight.
 - b. Any bona fide restaurant desiring to serve alcoholic beverages on Sundays in accordance with this section shall first apply in writing to the mayor or his designee for a Sunday alcoholic beverage permit for restaurants. Any applicant for such a permit shall furnish such information relative to its operations as may be required by the mayor or his designee including, but not necessarily limited to, information as to its gross sales of alcoholic beverages as opposed to food sales and copies of the establishment owner's federal and state income tax returns for three years preceding the date of application. All applications shall be sworn to and shall

contain the full name of the applicant along with a complete description and true address of the premises on which the restaurant is located. It will be submitted along with all required documents submitted to the city treasurer's office for approval. It will further establish that the applicant is operating a bona fide restaurant by having a full and properly equipped kitchen facility and dining room with sufficient employee personnel to operate such facility. The applicant will submit an affidavit from the local health department showing compliance with all applicable health and sanitary requirements. The mayor or his designee shall arrange for a representative of his department to inspect the applicant's premises to determine whether a bona fide restaurant as defined herein is being operated on such premises. If the mayor or his designee is satisfied that a bona fide restaurant is being operated on the premises of the applicant, he shall issue a Sunday alcoholic beverage permit for restaurants which shall be displayed in a conspicuous place on the premises of the applicant. Any permit issued pursuant to this section shall be subject to revocation or suspension for any grounds that a dealer's basic liquor permit may be revoked or suspended and also if the applicant should fail to continue to operate a bona fide restaurant.

- c. If the mayor or his designee denies an application on the basis that the applicant is not operating a bona fide restaurant, the mayor shall give written notice to the applicant of the denial of the application and the grounds therefor. The applicant shall then have ten days from the date of receipt of such written notice in which to appeal the decision of the mayor or his designee to the entire city council. After a public hearing on the appeal, the council may by a majority vote reverse the decision of the mayor or his designee. In the event of such a reversal, the mayor or his designee shall issue a Sunday alcoholic beverage permit for restaurants to the applicant.
- d. The applicant will further be required to submit an affidavit from one qualified in conducting an audit of the business establishment showing that a current audit has been performed and that 70 percent of the sales were from the sale of food; provided, however, that the city treasurer's office shall have the authority to conduct an audit of any holder of or applicant for a Sunday liquor sales permit in order to verify compliance with the provisions of this section, and such holder or applicant shall be required to furnish such business records as required by the treasurer's office for this audit. Any audit so performed shall be presumed prima facie correct, and the treasurer's office may take any appropriate action based on the results of such audit, including revocation or denial of such permit.
- e. For new businesses without prior business on which to base an audit of food sales, the Sunday liquor permit may be applied for and granted on a temporary basis contingent upon the audit being performed within 30 days, provided the other requirements establishing the existence of a bona fide restaurant are met.
- f. If a restaurant with a separate cocktail lounge desires to sell alcoholic beverages pursuant to this article, it shall close and lock the cocktail lounge at 2:30 a.m. on Sunday and not reopen the cocktail lounge until 7:00 a.m. on Monday.
- g. Any Sunday alcoholic beverage permit issued pursuant to this section shall expire at the same time as the current basic liquor permit that the applicant obtained from the city; however, a Sunday alcoholic beverage permit for restaurants may be renewed from year to year if the basic permit is renewed and if the applicant still operates a bona fide restaurant. For the purpose of this section, the term "bona fide restaurant" is defined as an establishment that shall have been operated continuously as a restaurant for at least 90 days prior to the date of its application for a Sunday alcoholic beverage permit for restaurants. However, to qualify as a bona fide restaurant the establishment's gross revenues from the sale of food during such 90-day period must be at least 70 percent of the gross sales of food and alcoholic beverages. If an establishment has a separate but adjoining cocktail lounge as part of its premises, the gross sale of the cocktail lounge shall be excluded in determining whether the establishment meets the requirement that its food sales exceed its sale of alcoholic beverages (as indicated above) and in such cases, only the gross sale of food and beverage in the dining room areas of the establishment shall be considered. After the issuance of the permit, the

establishment's food sales must at all times be at least 70 percent of the gross sales of food and alcoholic beverages for the establishment to be considered a bona fide restaurant.

- (2) Class "B" alcoholic beverage permit holders (which authorizes the dealer to sell for in sealed containers prepared for transportation and consumption off the premises) may sell beverages of low alcoholic content and wine, for consumption off the permittee's premises on Sundays, but only between the hours of 7:00 a.m. and 12:00 midnight.

Cross reference— Sale of low alcoholic content packaged beverages on Sunday, § 10-32.

Sec. 6-11. - Sunday liquor service for bona fide private clubs.

- (a) A bona fide private club, as defined in this section, shall be permitted to serve alcoholic beverages on Sunday, but only between the hours of 12:00 noon and 12:00 midnight. Such a bona fide private club, however, may serve only the types of alcoholic beverages that it is licensed to serve at other times.
- (b) Any bona fide private club designed to serve alcoholic beverages on Sundays in accordance with this section shall first apply to the police chief for a Sunday alcoholic beverage permit for private clubs. Any applicant for such a permit shall furnish such information relative to its operation as may be required by the police chief, including, but not limited to, articles of incorporation and other documents evidencing that the applicant is a bona fide private club. The police chief shall arrange for a representative of his department to inspect the applicant's premises to determine whether a bona fide private club is being operated on such premises. If the police chief is satisfied that a bona fide private club is being operated on the premises of the applicant, he shall issue a Sunday alcoholic beverage permit for private clubs which shall be displayed in a conspicuous place on the premises of the applicant. Any permit issued pursuant to this section shall be subject to revocation or suspension for any grounds that a dealer's basic liquor permit may be revoked or suspended, and also, if the applicant should fail to continue to operate a bona fide private club.
- (c) If the police chief denies an application on the basis that the applicant is not operating a bona fide private club, the police chief shall give written notice to the applicant of the denial of the application and the grounds therefor. Any applicant aggrieved by the decision of the police chief may, within ten days from the date such decision is rendered, appeal to the mayor by filing a written request with the office of the mayor for a review of such decision. The mayor shall review such decision within ten days of the receipt of such request and shall affirm or reverse the decision of the police chief. The mayor shall give written notice to the applicant of his decision and the grounds therefor. Any applicant aggrieved by the decision of the mayor may, within ten days from the date of receipt of such written notice, appeal to the city council by filing a written request with the clerk of council for a review of such decision. The city council shall thereafter hold a hearing on the appeal. After public hearing on the appeal, the council may by majority vote of the entire council reverse the decision of the mayor. In the event of such reversal, the police chief shall issue the applied-for permit to the applicant.
- (d) For the purpose of this section, the term "bona fide private club" is defined as a voluntary, incorporated or unincorporated association of persons for purposes of a social, literary, political, or other noncommercial nature which is patronized only by its members and any guests which have been specifically invited by and accompany such members. Equitable ownership of such club must be held exclusively by its members. It must be nonprofit in nature, in that it must not be designed primarily to pay dividends on invested capital nor incomes to its members. After the issuance of the permit, the holder thereof must at all times meet the requirements of this section in order to be considered a bona fide private club.
- (e) Any Sunday alcoholic beverage permit for private clubs issued pursuant to this section shall expire at the same time as the current basic liquor permit that the applicant obtained from the city. However, the Sunday alcoholic beverage permit for private clubs may be renewed from year to year if the applicant still operates a bona fide private club, as defined in this section. The annual fee for the issuance of a Sunday alcoholic beverage permit for private clubs shall be \$250.00, which shall be paid in cash to the city prior to the issuance of the permit.

Sec. 6-12. - Sunday alcohol sales at the Bossier City Arena.

Any retail dealer operating pursuant to a contract to sell food and/or alcoholic beverages on the premises of the Bossier City Arena shall be permitted to sell and serve beverages of low alcoholic content or high alcoholic content on Sunday, but only between the hours of 12:00 noon and 12:00 midnight.

Sec. 6-13. - Display or consumption during prohibited hours.

It shall be unlawful for any person to do any of the following acts when the sale of alcoholic beverages is prohibited in any place where alcoholic beverages are sold:

- (1) To display or allow to be displayed to the view of the public any whiskey, beer or alcoholic beverages after the bottle has been opened, in any bottle, can, glass, cup, vessel or article of any nature.
- (2) To consume or allow the consumption of alcoholic beverages.
- (3) For the permit holder, his employees or agents to permit any person to display to view of the public any whiskey, beer or alcoholic beverages after the bottle has been opened in any bottle, can, glass, cup, vessel or article of any nature or allow the consumption of alcoholic beverages on the licensed premises.

Sec. 6-14. - Refusal to allow inspection.

It shall be unlawful for any person to refuse to allow the law enforcement authorities of the city to make an inspection at any time of any place or business where alcoholic beverages are stored, 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. 6-15. - Drive-in window, etc., sales prohibited.

It shall be unlawful for any person to sell or otherwise dispense alcoholic beverages of any kind by means of a drive-in window, or any other device by which a sale of alcoholic beverages on the premises may be completed without the customer entering the establishment.

Sec. 6-16. - Purchase of alcohol by or for minors.

- (a) It shall be unlawful for any person under the age of 21 to purchase any alcoholic beverage, either of high or low alcoholic content.
- (b) It shall be unlawful for any person over the age of 21 to purchase, on behalf of any person under the age of 21, any alcoholic beverage, either high or low alcoholic content.
- (c) Nothing in this section shall be construed as relieving any retail dealer in alcoholic beverages, either high or low alcoholic content, of any of the responsibilities imposed on him under the provisions of this chapter or under the provisions of Title 26 of the Louisiana Revised Statutes, as amended.

Sec. 6-17. - Sunday sales—Fairs and festivals.

- (a) It shall be lawful for fairs and festivals authorized and approved by the city council, in accordance with the provisions of this section, to sell and serve packaged beverages of low alcoholic content on Sundays at such fairs or festivals but only between the hours of 12:00 noon and 12:00 midnight.
 - (1) For purposes of this section, the term "packaged beverages of low alcoholic content" shall mean alcoholic beverages containing not more than six percent alcohol by volume served directly from a package filled, sealed and labeled by a manufacturer licensed to do so under federal law. It shall not include alcoholic beverages mixed with any substance other than ice after the manufactured package is opened.
- (b) Any person or persons desiring to operate, conduct or manage a festival or fair shall first apply to the city council at least 30 days before the date on which the festival or fair is to be conducted, setting forth the following information:
 - (1) The name of the person or organization wishing to conduct such festival or fair.

- a. If the festival or fair is to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of this organization and the authorized and responsible head of such organization.
 - b. If the organization is incorporated, a copy of the articles of incorporation shall be attached to the application.
- (2) The name, address and telephone number(s) of the person or organization to whom the permit is to be issued.
 - (3) The names and addresses of all persons authorized to handle alcoholic beverages at such fair or festival.
 - (4) Certification that all persons handling alcoholic beverages have received copies of the applicable laws regarding the sale or distribution of alcoholic beverages.
 - (5) Any applicant for such permit shall furnish information relative to its operations as may be required by the city council including, but not necessarily limited to, contracts with vendors at such fair or festival, plans for security and information about past violations.
 - (6) A written plan shall be submitted to the Chief of Police setting forth all measures proposed to insure that adequate traffic control, crowd protection, and security on the premises of such festival or fair will be maintained, and that the ages of those purchasing alcoholic beverages will be monitored.
 - (7) Any permit issued pursuant to this section shall be subject to revocation or suspension for any grounds that a dealer's basic alcoholic beverage permit may be revoked or suspended, and also if the applicant should fail to continue to operate in accordance with this section.
 - (8) Any permit issued pursuant to this section shall be for the duration of the fair or festival only.
 - (9) The city council shall, as a condition of the issuance of a permit, have the authority to require the applicant to provide additional security or take any other measure deemed appropriate by the city council for the protection of patrons of the fair or festival.

Sec. 6-18. - Sign required relative to sales to persons under 21.

Each and every place or establishment where alcoholic beverages are sold or dispensed at retail, or otherwise, in the city, shall have a sign displayed in a prominent place, clearly visible to all, stating that no beverages of high or low alcoholic content will be sold or dispensed to persons under 21 years of age, except as provided by law. Such sign shall be not less than two feet long and one foot wide, in prominent letters sharply contrasting in color with the background of the sign.

Sec. 6-19. - Entry of licensed premises of persons under 21 years of age.

- (a) No person under the age of 21 years shall go into or upon or remain in or upon or attempt to go into or upon or remain in or upon any business, which belongs to another, where alcoholic beverages are the principle commodity sold, handled, or given away.
- (b) The holder of any alcoholic beverage retail permit issued by the city shall cause a sign with type of not less than 30-point type to be displayed at the point of entry to the licensed premises that reads: "Section 6-18 of the Bossier City Code of Ordinances Prohibits Persons Under the Age of 21 From Coming Into or Remaining Upon These Premises. Violators May Be Subject to Imprisonment and/or Fine of Up to \$500.00."
- (c) Whoever violates the provisions of this section shall be fined not more than \$500.00 or imprisoned for not more than 60 days or both.

Sec. 6-20. - Unlawful sales to persons under the age of 21.

- (a) Unlawful sales to persons under 21 is the selling or otherwise delivering for value of any alcoholic beverage to any person under 21 years of age. Lack of knowledge of the person's age shall not be a defense.
- (b) Violation; penalty.

- (1) Whoever is found to be guilty of unlawful sales to persons under the age of 21 shall be fined not less than \$300.00 nor more than \$500.00 and serve ten days of community service to the city or serve ten days in jail. Imposition or execution of sentence shall not be suspended.
- (2) Subsequent offense(s). If the offender has been convicted previously, upon any subsequent conviction, he shall be subject to a fine of not less than \$300.00 or more than \$500.00 and incarceration of not less than ten days or more than 60 days in jail. Imposition or execution of sentence shall not be suspended.

Sec. 6-21. - False identification prohibited; identification required.

- (a) No person, under the age of 21 years shall present or offer to any business, or to its agents or employees, where alcoholic beverages are the principle commodity sold, handled or given away any verbal, written, printed, or photostatic evidence of age or identity which is false, fraudulent or not actually his or her own for the purpose of entering or going upon the premises of the business.
- (b) No person shall go into or upon or remain in or upon or attempt to go into or upon or remain in or upon any business, which belongs to another, where alcoholic beverages are the principle commodity sold, handled or given away unless such individual has on his or her person a drivers license, selective service card, state identification card or other lawfully issued photographic identification card which on its face establishes the age of the person as 21 years of age or older. No such form of identification shall be accepted as proof of age if it has expired, or is defaced, mutilated or altered. If the drivers license, state identification card, selective service card or other lawful photographic identification submitted is a duplicate, the person shall submit additional identification information which contains the name, date of birth and photograph of the person. Educational institution identification cards, check cashing identification cards or employee identification cards shall not be considered as lawful identification for purposes of this subsection.
- (c) The holder of any alcoholic beverage retail permit issued by the City of Bossier City shall cause a sign in type of not less than 30-point type to be displayed at the point of entry to the licensed premises that reads: "Section 6-21 of the Code of Ordinances of the City of Bossier prohibits the use of a false identification to gain entry to these premises. Legal photo I.D. required. Violators are subject to imprisonment and/or a \$500.00 fine."
- (d) Whoever violates the provisions of this section shall be fined not more than \$500.00 or imprisoned for not more than 60 days or both.

Secs. 6-22—6-30. - Reserved. ARTICLE II. - DEALER'S PERMIT

Sec. 6-31. - Required.

- (a) Before engaging in the business of dealing in alcoholic beverages, all wholesale and retail dealers shall obtain from the city a current permit to conduct such business. No person shall sell, barter, exchange, or allow any person to consume alcoholic beverages on the premises, or do any other act for which a permit is required without first having obtained such permit. Each day's conduct of business by a wholesale or retail dealer without such valid permit shall constitute a separate violation of this section.
- (b) The wholesale dealer shall not sell, barter, exchange, or deliver any alcoholic beverages to the premises of any retail dealer or any other person without verifying that a current alcoholic beverage permit has been issued by the City of Bossier for that premises.
- (c) Whoever violates this section shall be punishable by a fine of not more than \$500.00 or imprisonment of not more than 60 days or both.

Sec. 6-32. - Separate permit for each place of business & Penalty for False Statements.

Separate alcoholic beverage permits shall be required for each place of business operated by a retail or wholesale dealer.

- (a) No person shall knowingly make any false statement or provide any false information in their application for an alcoholic beverage wholesale or retail dealer permit or for an alcoholic beverage employee handling card.
- (b) Whoever violates this section shall be punishable by a fine of not more than \$500.00 or imprisonment of not more than 60 days or both.

Sec. 6-33. - Applications generally.

All applications for alcoholic beverage permits shall be made on forms supplied by the city and shall be submitted to the chief of police for issuance or denial of the permit. The applicant shall sign and certify that all information contained in the application is true and correct. The applicant for a permit for consumption on the premises shall file, as part of his application, a list of all alcoholic beverage handling employees. Any applicant which is a partnership or corporation shall, as part of its application, designate an individual as its agent/manager.

Sec. 6-34. - Applicant to be fingerprinted.

On submission of an application for a permit under this article, the applicant 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 chief of police .

Sec. 6-35. - Qualifications of applicant.

- (a) Applicants for alcoholic beverage permits of all kinds shall meet the following qualifications and conditions:
 - (1) Is a person of good character and reputation and 21 years of age or older.
 - (2) Is a citizen of the United States and of the State of Louisiana and a resident of the state continuously for a period of not less than two years 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 any other state or by the United States or any other country of illegally dealing in controlled dangerous substances or soliciting for prostitution, pandering, letting premises for prostitution, contributing to the delinquency of juveniles, keeping a disorderly place.
 - (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 two years prior to the application, or been convicted or had a judgment of any court rendered against him of one or more violations involving alcoholic beverage laws or ordinances, 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 city council or convicted by any court in the last two years, of violating any two or more municipal or parish ordinances adopted pursuant to the provisions of this chapter.
 - (8) Is not the spouse of a person whose application has been denied or whose permit has been revoked or is otherwise ineligible for a permit as required

by this section unless judicially separated or divorced, provided that in such cases:

- a. The age of the ineligible spouse shall be immaterial,
- b. A felony conviction of a spouse shall not be cause for denial of a permit if:
 1. The applicant had state and local permits prior to the felony conviction; and
 - 2.(i) The applicant had a regime of separation of property, pursuant to Louisiana Civil Code Article 2370, and is the owner of the premises or has a bone fide written lease therefor, or;
 - (ii) Owns the permitted premises as the applicant's separate property, pursuant to Louisiana Civil Code Article 2341.
- c. The spouse of the applicant is not required to be a citizen of the United States, as long as he or she has been a legal resident of the state continuously for a period of not less than 36 months preceding the date of the filing of the application.

(9) Has paid all taxes, licenses, fees and other charges due to the city by the applicant or his business.

(10)

a. 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.

b. If the applicant is a limited liability company, corporation, or a partnership, any member of which is a corporation, all officers and directors and all stockholders owning in the aggregate more than five percent of the stock shall possess the qualifications required of an applicant. Each shall furnish the same information to be shown by the affidavit accompanying the application. Also, persons who shall conduct or manage the business shall possess the qualifications required of an applicant. However, when applying for retail permits only, the requirements as to residence and citizenship do not apply to officers, directors, and stockholders of corporations as stated below:

(1) The residence requirement does not apply.

(2) The citizenship requirement does not apply to applicants who are already established and operating with a valid alcohol permit in a state other than Louisiana.

The corporation shall be either organized under the laws of the state or qualified to do business within the state.

c. If the applicants' business is to be conducted wholly or partly by one 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.

- d. If the applicant, or any other person required to have the same qualifications, does not possess the required qualifications, the permit may be denied.
- e. No permit shall be issued to any person who is an interposed person for the owner or proprietor of a business. The city council may require a full disclosure, in writing and under oath, of the details of the operation of any person it suspects of being interposed for another. The city council may summarily rule before the city council for examination the person suspected of being an interposed person. A person who is subsidized, financed or employed by a liquor manufacturer to operate a business without disclosing the ownership of the liquor manufacturer shall be considered an interposed person for the liquor manufacturer under this chapter.
- f. Any misstatement or suppression of fact in an application or accompanying affidavit is grounds for denial of permit.
- g. Notwithstanding the provisions of subsections (a)(4) through (7) of this section, a permit may be granted by the chief of police if the applicant has been pardoned, has had any misdemeanor conviction discharged or dismissed, or the applicant's civil rights have been restored, or, if the applicant is a firm, association, partnership, trust, domestic or foreign corporation, or other legal entity, and the applicant has terminated its relationship with the person or persons whose action directly contributed to the applicant's conviction.

Sec. 6-36. - Approval or disapproval of application; examination.

- (a) No alcoholic beverage permit shall be issued or renewed until the application therefor has been approved by the mayor or his designee or the city council. The mayor or his designee 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 mayor or his designee disapproves such an application, the applicant may appeal the mayor's ruling to the city council by giving written notice to the city clerk within ten days of the ruling. The city council will review the application and may reverse the mayor's ruling by a majority vote.
- (b) No permit shall be issued, or retained after issuance, by any person who is an interposed person for another person or corporation. The mayor or his designee may require the applicant, or permit holder whom he reasonably suspects of being an interposed person for another, to submit to examination under oath before the mayor, his designee or the city council, and to present all records pertaining thereto for examination. If applicant or permit holder refuses to submit to examination and/or present records requested it shall be presumed that he is interposed for another.

Sec. 6-37. - Fees prescribed.

- (a) The annual fee for an alcoholic beverage permit shall be as follows, which fee shall be paid in full on or before January 1 of each year:
 - (1) Wholesale dealers:
 - a. Beverages of low alcoholic content \$ 75.00
 - b. Beverages of high alcoholic content 500.00
 - (2) Retail dealers:
 - a. Beverages of low alcoholic content:
 - 1. Class "A" 35.00
 - 2. Class "B" 25.00
 - b. Beverages of high alcohol content:

1. Class "A" 500.00
2. Class "B" 500.00
- c. Beverages of alcoholic content of not more than 20 percent by volume: Class "C" 250.00
- d. *Class "A" Other alcohol permits.*
 1. *Stand-alone alcohol caterer permit.*

Annual permit fee\\$500.00

Renewal application processing fee\100.00
 2. *Independent concessionaire alcohol caterer permit.*

Annual permit fee\\$500.00

Renewal application processing fee\100.00
- e. All permit fees provided for in this article shall be collected by the director of finance. The director of finance is authorized to use such portion of the funds derived from the collection of such fees as may be necessary to cover the expenses incurred by the police department. The director of finance shall pay the balance into the general fund of the city.

State Law reference— Power of city to require permit fees, R.S. 26:74, 26:274.

Sec. 6-38. - Escrow account.

Any person or dealer making application for a permit to sell beverages of high alcoholic content shall place on deposit in escrow with the tax collector, the sum of \$200.00 cash to guarantee the prompt payment of any sales and/or excise tax that may become due the city. At any time such taxpayer's account becomes delinquent in sales and/or excise tax, a debit may be issued against such escrow account to satisfy such indebtedness. At any time the balance in this account falls below an amount equal to one month's average sales tax remittance, a directive shall be issued invoking section 6-45 which will revoke such dealer's license and cause him to cease operations in the city. The deposit in escrow will be returned to the permit holder, upon his request, three years or more after initial deposit, provided he has promptly made payment of his sales and excise taxes as they have become due to the city during the period the deposit is held in escrow.

Sec. 6-39 – Caterers of alcohol.

(a) *Attached alcohol caterer permit.*

(1) *In general.* This attachment permit allows businesses that hold a current alcohol permit to sell and serve alcoholic beverages at an event other than on the premises for which the holder's regular permit is issued. This caterer permit is in addition to and is "attached" to an existing retail dealer permit for alcohol. Any event being catered must be temporary in nature and is limited to three consecutive days in duration.

(2) *Criteria for attached alcohol caterer permit.* This attachment permit shall only be issued to holders of a current alcohol permit limited to the following:

- a. Restaurants as defined in this chapter;
- b. Bars;
- c. Retail dealers whose primary purpose is the sale of packaged alcoholic beverages

- (3) *Other criteria.* The attached caterer's permit shall be subject to the same provisions or term, renewal and for revocation as the basic retail dealer's permit, and also may be denied, suspended or revoked for failure to meet or maintain the qualifications set forth in this division.
- (4) *Restrictions.* This attachment permit is not to be used in place of a special event permit. This attachment permit shall not be issued to a manufacturer. This permit shall also not be issued to a food truck or other mobile vendor(s) for the purpose of selling and serving alcoholic beverages from the mobile unit, except that dispensing alcohol from a mobile unit may be authorized at lawfully permitted special events such as fairs, festivals and sporting events.
- (5) *Requirements.* All alcoholic beverages at a catered event must be dispensed by the alcohol caterer or his employee, agent or servant. The alcohol caterer and any persons dispensing the alcohol shall have local ABO Employee cards. The valid issued permit shall be physically posted in a conspicuous place at all events being catered.
- (6) *Fees.*
- a. *Permit fee.* The annual fee for an attached alcohol caterer permit shall be \$500.00.
1. *Renewal processing fee.* The annual renewal processing fee for an attached alcohol caterer permit shall be \$100.00.
2. *Other criteria.* The attached caterer's permit shall be subject to the same provisions or term, renewal and for revocation as the basic retail dealer's permit, and also may be denied, suspended or revoked for failure to meet or maintain the qualifications set forth in this division.
- b. *Stand-alone alcohol caterer permit.*
- (1) *In general.* This permit shall be issued to a food service establishment, as defined in this chapter, that does not qualify for an on-premises alcohol permit, but who operates a fully equipped commercial kitchen where food is prepared for the purpose of catering events or gatherings off its premises. This permit is a "stand-alone" alcohol permit and allows businesses to sell and serve alcoholic beverages at catered events or gatherings off its premises.
- (2) *Criteria for stand-alone alcohol caterer permit.* The holder of a stand-alone caterer permit shall have:
- a. A fully equipped commercial kitchen;
- b. A certificate of occupancy for its premises;
- c. An occupational license;
- d. A health permit for the premises;
- e. Derive at least 70 percent of its gross annual revenue from the sale of food or food-related products; and
- f. At least 40 percent of the gross revenue per event catered must be derived from the sale of food or food-related product.

- (3) *Other criteria.* The stand-alone caterer's permit shall be subject to the same provisions for term, renewal and for revocation as the basic retail dealer's permit, and also may be denied, suspended or revoked for failure to meet or maintain the qualifications set forth in this division.
- (4) *Restrictions.* This permit is not to be used in place of a special event permit. This permit shall not be issued to a manufacturer. This permit shall also not be issued to a food truck or other mobile vendor(s) for the purpose of selling and serving alcoholic beverages from the mobile unit, except that dispensing alcohol from a mobile unit may be authorized at lawfully permitted special events such as fairs, festivals and sporting events.
- (5) *Requirements.* The holder of this permit must maintain separate sales figures for alcoholic beverages. All alcoholic beverages at a catered event must be dispensed by the alcohol caterer or his employee, agent or servant. The alcohol caterer and any persons dispensing the alcohol shall have local ABO Employee cards. The valid issued permit shall be physically posted in a conspicuous place at all events being catered.
- (6) *Fees.*
- a. *Permit fee.* The annual fee for a stand-alone caterer permit shall be \$500.00.
 1. *Renewal processing fee.* The annual renewal processing fee for a stand-alone caterer permit shall be \$100.00.
 - b. *Independent concessionaire alcohol caterer permit.*
 - (1) *In general.* This permit allows businesses to sell and serve alcoholic beverages and shall be issued to businesses that hold a written concession agreement at an arena, stadium, city owned property or other type of public event venue.
 - (2) *Criteria for independent concessionaire alcohol caterer permit.* The holder of an independent concessionaire alcohol permit shall have:
 - a. A written concessionaire agreement to provide food and/or beverage concession(s) from the owner/operator of the premise. Said agreement shall include:
 1. A provision designating the specific location, on the premises, where the alcohol concessions will be located, and
 2. A provision prohibiting any party to engage in conduct prohibited by local, state or federal alcoholic beverage laws.

(3) *Other criteria.* The independent concessionaire alcohol caterer's permit shall be subject to the same provisions for term, renewal and for revocation as the basic retail dealer's permit, and also may be denied, suspended or revoked for failure to meet or maintain the qualifications set forth in this division. A copy of the written concessionaire agreement shall be included with the application.

(4) *Restrictions.*

- a. Businesses must not own or manage the premise or be owned by the owner or manager of the premise.
- b. Businesses cannot receive any monetary benefit from the alcohol industry, except where authorized by law, and cannot receive any direct monetary benefit from advertising, promotional, or sponsorship revenues from the premises.
- c. The permit holder is solely responsible to determine the quantity and brand of alcohol.
- d. This permit does not allow the service of alcohol at a premise whose primary purpose is the sale of food, or any premise that derives more than 75 percent of gross revenue from on-premise sale of alcohol.
- e. This permit shall not be issued to a manufacturer.
- f. This permit shall also not be issued to a food truck or other mobile vendor(s) for the purpose of selling and serving alcoholic beverages from the mobile unit, except that dispensing alcohol from a mobile unit may be authorized if made part of the written concessionaire agreement and is otherwise allowed in accordance with state law.

(5) *Requirements.* All alcoholic beverages at a catered event must be dispensed by the alcohol caterer or his employee, agent or servant. The alcohol caterer and any persons dispensing the alcohol shall have local ABO Employee cards. The valid independent concessionaire alcohol caterer's permit shall be physically posted in a

conspicuous place at the location of the function being catered.

(6) *Fees.*

- a. *Permit fee.* The annual fee for an independent concessionaire alcohol permit shall be \$500.00.
1. *Renewal processing fee.* The annual renewal processing fee for an independent concessionaire alcohol permit shall be \$100.00.

(7) Local ("city") temporary special event alcohol permit.

Category A: Public Special Events

- (a) *Purpose.* Local ("city") temporary special event alcohol permits are issued for events held at any location where alcoholic beverages are served, both as an incidental part of the event for payment rendered or are supplied as part of a general admission or other type fee, and the event is open to the public.
- (b) *Permit: Local ("city") temporary special event alcohol permit.* Business entities and/or individuals are required to obtain a local ("city") temporary special event alcohol permit in accordance with this section.
 - (1) *Non-profit business entities or individuals.* Non-profit business entities or individuals are required to obtain a local ("city") temporary special event alcohol permit pursuant to this section. In cases where a non-profit business entity partners with for a for-profit business entity the non-profit business entity will lose its "non-profit alcohol status" for purposes of obtaining a local ("city") temporary special event alcohol permit.
 - (2) *For-profit business entities or individuals.* For-profit business entities or individuals are required to obtain a local ("city") temporary special event alcohol permit pursuant to this section.
- (c) *Duration.* Local ("city") temporary special event alcohol permits are for a maximum duration of three (3) consecutive days only, and no more than twelve (12) special event alcohol permits can be obtained by any one person or business entity within a single calendar year.
- (d) *Application requirements.* All applicants shall meet the requirements of section 6-35 of this Code. Applications shall be submitted to the chief of police not later than thirty (30) days prior to the proposed event.
- (e) *Fee.* For each local ("city") temporary special event alcohol permit the fee shall be calculated per event (three (3) consecutive days allowed per event period), by non-profit or for-profit status.
 - (1) *Non-profit business entities or individuals.* Local ("city") temporary special event alcohol permits shall be fifty dollars (\$50.00) per three-day event period for non-profit business entities or individuals.

(2) *For-profit business entities or individuals.* Local ("city") temporary special event alcohol permits shall be one hundred dollars (\$100.00) per three-day event period for for-profit business entities or individuals.

(f) *Application approval or denial.* The chief of police, or his designee, 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 chief of police, or his designee, disapproves such an application, he shall notify the applicant in writing and state the reasons for such disapproval.

(g) *Appeal rights.* Any applicant aggrieved by the decision of the chief of police, or his designee, may appeal to the city council by filing a written request with the office of the clerk of council for a review of such decision and shall file such request within ten (10) days from the date the decision is rendered. The city council shall thereafter hold a hearing thereon.

(h) *Display of alcohol permit.* The local ("city") temporary special event alcohol permit, or a copy thereof, shall be displayed in open view at each event location.

Category B: Private Special Events

Private event with alcoholic beverages shall be conducted in accordance with the following rules and restrictions:

(a) *Purpose.* Local ("city") temporary private special event alcohol permits are issued for events held at any location where alcoholic beverages are sold and served on the premises and within an enclosed building of a business establishment where the private event is hosted and sponsored by the owner of the place of business where the private event is to be held or by an individual, partnership, corporation or association having a written agreement with the owner of the place of business where the private event is to be held.

(b) *Permit: Local ("city") temporary private special event alcohol permit.* Business entities and/or individuals are required to obtain a local ("city") temporary private special event alcohol permit in accordance with this section.

(c) *Duration.* Local ("city") temporary private special event alcohol permits are for a maximum duration of one day only, and no more than 12 private special event alcohol permits may be obtained by any one person or business entity within a single calendar year.

(d) *Application requirements.*

- (1) Applications shall be made on form provided by the chief of police/alcohol beverage office.
- (2) All applicants shall meet the requirements of section 6-35 of this Code.
- (3) Applications shall be submitted to the chief of police not later than ten days prior to the proposed event.
- (4) Attach the written agreement with the owner of the place of business where the private event is to be held.

(e) Restrictions.

- (1) Proposed hours of the private event, which shall be limited to the hours such establishment could be open for business under the applicable zoning ordinances and which in no event shall exceed the hour of 12:00 midnight.
- (2) In the case of a private event, on-the-premises consumption of beverages of high or low alcoholic content is not used to induce or attract customers or clients to show, explain or sell to them products or services.
- (3) A general admission fee or any other monetary donations (payment at the door to the general public) for entrance is prohibited, with the exception of fundraisers or events for bona fide non-profit organizations, places of worship, or educational facilities.

Sec. 6-40. - Transfer.

All alcoholic beverage permits issued under this article shall be personal and nontransferable. If the business is sold during the period for which the permit was issued, the owner, or operator must apply and pay for a new permit in the manner and under the conditions set forth in this article. A retail or wholesale dealer shall conduct his business only in premises for which the permit is issued and no permit shall authorize the conduct of business in any changed location, except upon application therefor submitted; provided, however, if the permission is granted to change such location no additional permit shall be required.

Sec. 6-41. - Expiration and renewal.

- (a) A permit issued under this article shall be dated from January 1 of each year and shall be valid for the remainder of the calendar year, unless sooner suspended or revoked.

Application for the renewal of such a permit shall be filed in the manner provided by this article on or before November 1 of each year. If a permittee fails to make his application for renewal and pay the permit fees by that date, there shall be added to the fee, in addition to other penalties provided in this chapter, a delinquency penalty of five percent if the failure is for not more than 30 days, with an additional five percent for each additional 30 days or fraction thereof during which the failure continues. If the dealer fails to make his application before December 31, the mayor or his designee may, without notice or hearing, suspend his right to do business.

- (b) Any dealer whose application for renewal is filed before December 31 may continue business until issuance of the new permit, under the previous year's permit if it has not been suspended or revoked or the new permit withheld or denied.
- (c) Renewal permits may be withheld or denied on the same grounds and in the same manner as an original permit.

Sec. 6-42. - Display.

A permit issued under this article, 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.

State Law reference— Similar provisions, R.S. 26:76, 26:276.

Sec. 6-43. - Acts prohibited on licensed premises; suspension or revocation of permits.

- (a) No person holding a retail dealer's permit and no servant, agent, or employee of the permittee shall do any of the following acts upon the licensed premises:
 - (1) a. Sell or serve alcoholic beverages to any person under the age of 21 years, unless such person submits any one of the following:
 - 1. A valid, current, state driver's license which contains a photograph of the person presenting the driver's license.
 - 2. A valid, current, driver's license of another state which contains a photograph of the person and birth date of the person submitting the driver's license.
 - 3. A valid, current, special identification card issued by this state pursuant to R.S. 40:1321 containing a photograph of the person submitting the identification card.
 - 4. A valid, current, passport or visa issued by the federal government or another country or nation, that contains a permanently attached photograph of the person and the date of birth of the person submitting the passport or visa.
 - 5. A valid, current, military or federal identification card issued by the federal government containing a photograph of the person and date of birth of the person submitting the identification card.
 - b. Each form of identification listed above must on its face establish the age of the person as 21 years or older, and there must be no reason to doubt the authenticity or correctness of the identification. No form of identification mentioned above shall be accepted as proof of age if it is expired, 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 the 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.
- (2) Sell or serve alcoholic beverages to any intoxicated person.
- (3) a. Intentionally entice, aid, or permit any person under the age of 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. However, the provisions of this section shall in no way prohibit the presence of any person under the age of 18 years on or about a licensed premises for any function sponsored by a religious or charitable

organization with tax exempt status under Section 501(3) of the Internal Revenue Code of the United States, or by a fraternal beneficiary society with tax exempt status under Section 501(8) of such code, and no alcoholic beverages are sold, handled, given away, or accessible during the presence of any such person.

- b. Permit any person under 18 years of age to work in any capacity unless that person is a musician performing in a band on the premises under written contract for a specified period of time by the permittee, and the musician is under direct supervision of his parent or legal guardian.
- (4) Permit any prostitute to frequent the licensed premises, or to solicit patrons for prostitution on the licensed premises.
- (5) Sell, offer for sale, 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 his 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 therefor any commission or any remuneration in any other way.
- (8)
 - a. Employ anyone under the age of 18 in any capacity in an establishment where the sale of alcoholic beverages constitutes its main business unless the minor is a musician performing in a band on the premises under written contract with the permittee for a specified time period and is under the direct supervision of his parent or legal guardian during such time. If the sale of alcoholic beverages does not constitute the main business of the establishment, anyone under the age of 18 may be employed as long as the minor's employment does not involve the sale, mixing, dispensing, or serving of alcoholic beverages for consumption on the premises.
 - b. If the sale or handling of alcoholic beverages does not constitute the main business and alcoholic beverages are not sold for consumption on the premises, an employee under the age of 18 years may be permitted to participate in the sale of packaged alcoholic beverages to collect the price and taxes and issue receipts therefor, or may be permitted to bag packaged alcoholic beverages, or both, where immediate supervision is provided.
- (9) Allow the sale, dispensing, or distribution of alcoholic beverages in any type of automatic mechanical vending machine activated by the use of a coin, token, or similar instrument. The provisions of this subsection shall not apply to establishments exempt from holding permits under this chapter.
- (10) Permit the playing of pool or billiards by any person under 18 years of age, or permit such a person to frequent the licensed premises operating a pool or billiard hall, except in a structure where the position of the pool or billiards playing area is separate and distinct from the area where alcoholic beverages are dispensed to patrons.
- (11) 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.
- (12) 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 the Department of Agriculture.
- (13) Permit any disturbance of the peace or obscenity, or any lewd, immoral, or improper entertainment, conduct, or practices on the licensed premises.
- (14)
 - a. Play live or recorded music which is so unreasonably intrusive or offensive as to interfere with the comfortable enjoyment of the property of a person residing within 200 feet of the premises. This prohibition shall not apply to any licensed premises which are not located within 200 feet of a residence or which were not located within 200 feet of a residence on the date that the first permit was granted for the premises. This prohibition shall not apply to any premises which provide an entry area with two separate doors or sets of doors separating the exterior of the entrance from the area

where music is played. Any licensed premises which are not, on the effective date of this subsection, in compliance with the provisions of this subsection, shall have a reasonable time either to modify the premises to comply with this subsection or to cease the playing of music as described in this subsection.

b. Any person residing within 200 feet of licensed premises on which is played live or recorded music which is so unreasonably intrusive or offensive as to interfere with the comfortable enjoyment of his property shall have a cause of action for damages and may obtain injunctive relief if the premises are not in compliance with the provisions of this subsection.

- (15) Sell or serve any alcoholic beverages at a price fixed on an "all you can drink" basis after the hour of 10:00 p.m.
- (b) 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 alcoholic beverages shall be held at any premises where such conduct or acts are permitted:
- (1) Employment or use of 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.
 - (2) Employment or use of 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 subsection (b)(1) of this section.
 - (3) Encouraging or permitting any person on the licensed premises to touch, caress, or fondle the breasts, buttocks, anus, or genitals of any other person.
 - (4) Permitting 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.
- (c) 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 alcoholic beverages shall be held at any premises where such conduct and acts are permitted.
- (d) Live entertainment is permitted on any licensed premises, except that no permittee shall permit any person to perform acts of or acts which simulate:
- (1) Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law.
 - (2) The touching, caressing, or fondling of the breast, buttocks, anus, or genitals.
 - (3) The displaying of the pubic hair, anus, vulva, genitals, or nipple of the female breast.
- (e) Subject to the provisions of subsection (d) of this section, entertainers whose breasts or buttocks are exposed to view shall perform only upon a stage at least 18 inches above the immediate floor level and removed at least three feet from the nearest patron.
- (f) No permittee shall permit any person to use artificial devices or inanimate objects to depict any of the prohibited activities described in this section.
- (g) 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 alcoholic beverages shall be held at any premises where such conduct or acts are permitted: including the showing of film, still pictures, electronic reproduction, or other visual reproductions depicting:
- (1) Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.
 - (2) Any person being touched, caressed, or fondled on the breast, buttocks, anus, or genitals.

- (3) Scenes wherein a person displays the vulva or the anus or the genitals.
 - (4) Scenes wherein artificial devices or inanimate objects are employed to depict, or drawings are employed to portray, any of the prohibited activities described in this section.
- (h) No person holding a retail dealer's permit and no servant, agent, or employee of the permittee shall do any of the following acts upon the licensed premises:
- (1) Permit or allow any alcoholic beverage handling employee, as defined in sections 6-1 of this chapter, regardless of gender, or the permit holder, his agents, and representatives directly or indirectly by use of advertisements, cards and printed matter, to solicit patrons for drinks for themselves, other employees, agents and representatives of permit holder.
 - (2) Fail to maintain a price list posted on the bar in a conspicuous place or on pamphlets or cards placed on all of the permittee's bars and tables in clear legible print of the current retail price of drinks. If the bar list is used the print and figures will be at least one inch in height. If the permittee elects to use cards or pamphlets to post drink prices, it shall be his responsibility to ensure that the lists are in fact on the bars and tables of his premises at all times.
 - (3) Fail to keep the premises clean and sanitary.
 - (4) Permit or allow alcoholic beverage employee to work without a valid alcoholic beverage handling (ABO) card.
 - (5) Permit gambling by patrons, members of the public, employees or agents on the licensed premises or premises parking lot. In this regard, gambling is defined as the intentional conducting or directly assisting in the conducting of, or participating in, any game, contest, lottery or contrivance of chance whereby a person risks the loss of anything of value in order to realize a profit.
 - (6) Violate the closing requirements set forth in section 6-9. A criminal conviction is not required.
 - (7) To disburse or permit the disbursement of alcoholic beverages, including beer, in an open container for consumption off the licensed premises; or to furnish open containers to patrons for the intent and purpose of removal and consumption of alcoholic beverages off the licensed premises. "Open container" is defined as any container not scaled by the distillery of the alcoholic beverage and includes but is not limited to, paper or plastic containers regardless as to whether the container has a top affixed thereto. "License premises" for bona fide hotels and motels, for this provision only, means all of the hotel/motel structures and grounds, except parking lots.
 - (8) Permit any disturbance of the peace or obscenity or lewd, immoral or improper entertainment, conduct or practices on the licensed premises.
- (i) Violation of this section by a retail dealer's agent, employee, representative or servant shall be considered the retail dealer's act for purposes of suspension or revocation of the permit.
 - (j) Violation of this section is punishable by a fine of not less than \$100.00 nor more than \$500.00, or by imprisonment for not less than 30 days nor more than 60 days, and is also sufficient cause for the suspension or revocation of a permit.
 - (k) Notwithstanding the issuance of a permit by way of renewal, the city council may revoke or suspend such permit, as prescribed by this chapter, for violations of this section occurring during the permit period immediately preceding the issuance of such permit.

State Law reference— Similar provisions, R.S. 26:90, 26:286.

Sec. 6-44. - Additional causes for suspension or revocation of permits.

- (a) In addition to any other causes enumerated in this chapter, the city council may suspend or revoke any permit for any of the following causes:
 - (1) a. If there was any misstatement or suppression of fact in the application for the permit.

- b. If the tap marker misrepresents the brand of low alcoholic beverage being drawn from the container as filled by the manufacturer.
- (2) 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 denied or whose permit has been revoked, in the relationship of spouse, agent, partner, employer, employee, or interposed person.
- (3) If the permittee has been found guilty by the mayor, city court, justice of the peace court, or district court, as the case may be, of any of the following offenses:
 - a. Violation of any then-existing Sunday closing law.
 - b. Violation of any municipal or parish or other ordinance providing for Sunday closing hours.
 - c. Violation of any municipal or parish ordinance regulating alcoholic beverages, if the ordinance provides for revocation of the permit for its violation.
- (4) If any retail dealer fails to pay any excise taxes due by any regulated business to any parish or municipality.
- (5) If after ten days of being issued a wholesale dealer's permit, the permittee fails to meet all of the qualifications and requirements of a wholesale dealer as defined in this chapter.
- (6) If a wholesale dealer fails to comply with R.S. 26:359.
- (7) If a wholesale dealer sells to a person other than a licensed retail dealer or licensed wholesaler, or for delivery beyond the borders of the state to a licensed dealer in that state.
- (8) If the applicant or any of the persons who must possess the same qualifications failed to possess the qualifications required by law at the time of application or fails to maintain such qualifications during the licensed year.
- (9) If any person engaged in business as a brewer, manufacturer, or other producer, or as an importer or wholesaler of malt beverages or malt liquors, directly or indirectly or through an affiliate:
 - a. Requires, by agreement or otherwise, that any retail dealer engaged in the sale of malt beverages or malt liquors, purchase any such products from such persons to the exclusion in whole or in part of competing brands of malt beverages or malt liquors sold or offered for sale by other persons; or
 - b. Induces, through any of the following means, any retail dealer engaged in the sale of malt beverages or malt liquors, to purchase any such products from such person to the exclusion in whole or in part of malt beverages or malt liquors sold or offered for sale by other persons:
 1. By acquiring or holding, after the expiration of any existing license, any interest in any license with respect to the premises of the retail dealer;
 2. By acquiring any interest in real or personal property owned, occupied, or used by the retail dealer in the conduct of his business;
 3. By furnishing, giving, renting, lending, or selling to the retail dealer, any equipment, fixtures, signs, supplies, money, services, or other thing of value, subject to such exceptions as the commissioner may by regulation prescribe, having due regard for public health, the quantity and value of articles involved, established trade customs not contrary to the public interest and the purposes of this subsection;
 4. By paying or crediting the retail dealers for any advertising, display, or distribution service;
 5. By guaranteeing any loan or the repayment of any financial obligation of the retail dealer;
 6. By extending to the retail dealer credit; or
 7. By requiring the retail dealer to take and dispose of a certain quota of any of such products.

- c. Requires, by agreement or otherwise, that any wholesale dealer engaged in the sale of malt beverages or malt liquors sell any such products to the retail dealer to the exclusion in whole or in part of any other retail dealer engaged in the sale of malt beverages or malt liquors.
 - d. Induces, through any one of the following means, any wholesale dealer engaged in the sale of malt beverages or malt liquors to sell any such products to the retail dealer to the exclusion in whole or in part of any other retail dealer engaged in the sale of malt beverages or malt liquors:
 - 1. By acquiring or holding, after the expiration of any existing license, any interest in any license with respect to the operation of the wholesale dealer; or
 - 2. By acquiring any interest in real or personal property owned, occupied, or used by the wholesale dealer in the conduct of his business.
 - e. Requires a wholesale dealer engaged in the sale of malt beverages or malt liquors to purchase merchandise, supplies, or any other thing of value from the retail dealer as a condition for the retail dealer to purchase malt beverages or malt liquor from the wholesale dealer for sale at retail.
 - f. Requires a wholesale dealer to furnish equipment, fixtures, signs, other promotional material, samples, supplies, services, or other things of value as a condition for the retail dealer to purchase malt beverages or malt liquor from the wholesale dealer to offer for sale at retail.
 - g. The city council may promulgate such rules and regulations as it deems necessary to carry out the provisions contained in subsections (a)(9)a through f of this section, including, but not limited to, the authority to provide for exceptions if determined to be in the public interest and to be necessary to further the purposes provided for in this chapter.
- (10) If any person engaged in business as a retail dealer of malt beverages or malt liquors, directly or indirectly or through an affiliate:
- a. Is involved in or in any way consents to engage in the purchase of malt beverages or malt liquors and sell any such products to the exclusion in whole or in part of malt beverages or malt liquors sold or offered for sale by other persons; or
 - b. Accepts or gives any inducement through any of the following means from or to any person engaged in the sale of malt beverages or malt liquors, to purchase or sell any such products from or to such persons to the exclusion in whole or part of malt beverages or malt liquors sold or offered for sale by other persons by agreeing to allow a brewer, manufacturer, or other producer or importer, or wholesaler of malt beverages or malt liquors, directly or indirectly or through an affiliate:
 - 1. To acquire or hold, after the expiration of any existing license, any interest in any license with respect to the premises of the retail dealer;
 - 2. To acquire any interest in real or personal property owned, occupied, or used by the retail dealer in the conduct of his business;
 - 3. To furnish, give, rent, lend, or sell to the retail dealer, any equipment, fixtures, signs, supplies, money, services, or other thing of value, subject to such exceptions as the commissioner shall by regulation prescribe, having due regard for public health, the quantity and value of articles involved, established trade customs not contrary to the public interest, and the purposes of this subsection;
 - 4. To pay or credit the retail dealer for any advertising, display, or distribution service;
 - 5. To guarantee any loan or the repayment of any financial obligation of the retail dealer;
 - 6. To extend to the retail dealer credit; or
 - 7. To require the retail dealer to take and dispose of a certain quota of any of such products.

- c. Requires, by agreement or otherwise, that any wholesale dealer engaged in the sale of malt beverages or malt liquors sell any such products to the retail dealer to the exclusion in whole or in part of any other retail dealer engaged in the sale of malt beverages or malt liquors.
 - d. Induces, through any of the following means, any wholesale dealer engaged in the sale of malt beverages or malt liquors to sell any such products to the retail dealer to the exclusion in whole or in part of any other retail dealer engaged in the sale of malt beverages or malt liquors:
 - 1. By acquiring or holding, after the expiration of any existing license, any interest in any license with respect to the operation of the wholesale dealer;
 - 2. By acquiring any interest in real or personal property owned, occupied, or used by the wholesale dealer in the conduct of his business.
 - e. Requires a wholesale dealer engaged in the sale of malt beverages or malt liquors to purchase merchandise, supplies, or any other thing of value from the retail dealer as a condition for the retail dealer to purchase malt beverages or malt liquor from the wholesale dealer for sale at retail.
 - f. Requires a wholesale dealer to furnish equipment, fixtures, signs, other promotional material, samples, supplies, services, or other things of value as a condition for the retail dealer to purchase malt beverages or malt liquor from the wholesale dealer to offer for sale at retail.
 - g. The city council may promulgate such rules and regulations as it deems necessary to carry out the provisions contained in subsections (a)(10)a through f of this section, including, but not limited to, the authority to provide for exceptions if determined to be in the public interest and to be necessary to further the purposes provided for in this chapter.
- (11) If the permittee, or his agent or employee, allows the placement, operations, or play of a video draw poker device upon the licensed premises in violation of provisions of R.S. 27:301 et seq.
 - (12) If any wholesaler participates in any marketing or catalog program offering prizes or credits or anything of value to a retail dealer based on volume of purchases from the wholesale dealer or volume of sales to the public. Nothing in this section shall be construed to prohibit those marketing or catalog programs sponsored by breweries through retail dealers offering prizes or credits or anything of value to the public nor those price promotional sales conducted as a business incentive.
 - (13)
 - a. If any permittee, or his agent, associate, employee, representative, or servant substitutes one brand of alcoholic beverage for a brand that has been specifically requested by a customer without the consent of the customer for the substitution.
 - b. For the purposes of subsection (a)(13) of this section the term "brand" means a kind, grade, make, or class of alcoholic beverage identified as being the product of a single manufacturer by a stamp, trademark, logo, or name.
 - c. In addition to the penalties set forth in this chapter, the permittee may be liable in civil suit to the customer and to the wholesale dealer and manufacturer or brewer of the requested alcoholic beverage for damages which result from the substitution. The court shall award the prevailing party in such an action reasonable attorney fees and costs.
 - (14) If the applicant or persons who must possess the same qualifications fails to possess the qualifications required in R.S. 26:80 and 26:280 at the time of application or fails to maintain such qualifications during the licensed year.
 - (15) If the permit was issued to an interposed person in contravention of R.S. 26:83.
 - (16) 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.
 - (17)
 - a. If any dealer or any person listed in B of R.S. 26:80 and R.S. 26:280 violates or has violated any provisions of Revised Statute title 26, as amended, or this chapter.

- b. In addition to other causes enumerated in this chapter, the city council shall suspend or revoke any permit if any retail dealer fails to pay any sales taxes due to the city.
- c. No retail dealer or any person or entity which owns or controls, directly or indirectly, any premises on which a retail dealer operates shall require a wholesaler of alcoholic beverages to obtain a license or permit, whether or not accompanied by a fee, from a retailer or any person or entity which owns, or controls, directly or indirectly, any premises on which a retail dealer operates for the privilege of soliciting for sale or selling alcoholic beverages to the retailer. For purposes of this subsection, the term "fees" shall not mean allowances, incentives, or any other recognized market practices.

State Law reference— Similar provisions, R.S. 26:91, 26:287.

Sec. 6-45. - Revocation or suspension procedure.

- (a) Before any alcoholic beverage permit is suspended or revoked, the holder thereof shall be entitled to a hearing, and no such permit shall be suspended or revoked unless such a hearing has been held, and the majority of the city council thereafter votes for such suspension or revocation.
- (b) A notice shall be served upon the holder of the permit stating the time and place of the hearing to be held by the city council, which shall be not less than ten 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 it may be served on him in person by an officer or employee of the city.
- (c) The holder of an alcoholic beverage permit who is aggrieved by a decision of the city council to suspend or revoke his permit 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, and on such appeal, the trial shall be de novo. Within ten calendar days from the signing of the judgment by the district court, the city council or the holder of the permit, as the case may be, may devolutively appeal from the judgment of the district court to the court of appeals as in ordinary civil cases.

State Law reference— Suspension or revocation of permits, R.S. 33:4785 et seq.

Sec. 6-46. - Revocation or suspension not exclusive penalty.

- (a) Notwithstanding any other provision of this chapter to the contrary, the city council may, in lieu of or in addition to revocation, or suspension of a permit issued under the authority of this chapter, impose the following schedule of civil penalties to be paid into the city treasury for:
 - (1) The first offense, not less than \$50.00 but not more than \$500.00;
 - (2) The second offense, which occurs within three years of the first offense, not less than \$250.00 but not more than \$1,000.00; and
 - (3) The third offense, which occurs within three years of the first offense, not less than \$500.00 but not more than \$2,500.00.
- (b) The civil penalties imposed upon any permittee or the revocation or suspension of a permit is in addition to and is not in lieu of or a limitation upon any other penalty imposed by law and not contained in this chapter.

Secs. 6-47—6-70. - Reserved.

ARTICLE III. - ALCOHOLIC BEVERAGE HANDLING EMPLOYEE CARD

Sec. 6-71. - Required.

- (a) Every alcoholic beverage handling employee shall obtain an alcoholic beverage handling employee card prior to entering into employment on an alcoholic beverage permit holder's premises.
- (b) The provisions of this section shall not apply to persons selling beverages of low alcoholic content on a volunteer basis without pay on the premises of a city council approved fair or festival when a portion of the proceeds are retained by a nonprofit organization; however, each site or facility from which alcoholic beverages are dispensed shall be under the direct supervision during all hours of operation by a manager holding a current alcoholic beverage handling employee card.

Sec. 6-72. - Responsibilities of alcoholic beverage permittees.

- (a) It shall be unlawful for any alcoholic beverage permit holder to allow any alcoholic beverage handling employee, including, but not limited to servers, bartenders, managers, dancers, maintenance persons and floorwalkers to be present on the premises when alcoholic beverages or containers thereof are handled, dispensed or consumed on the premises, unless such alcoholic beverage handling employee is in possession of an alcoholic beverage handling employee card issued under authority of this article. Immediately after employing any alcoholic beverage handling employee, the permit holder shall notify the department of public safety of such employment of such alcoholic beverage handling employee.
- (b) Any employee under the age of 18 years and who is not directly involved in the sale or handling of alcoholic beverages for consumption on the premises in an establishment which qualifies as a bona fide restaurant shall be exempt from the provision of the Code requiring an alcoholic beverage handling employee card in order to maintain employment, however, they must meet all requirements of section 6-73, except the age requirement and obtain a minor's work card prior to employment.
- (c) A fee of \$5.00 shall be paid for issuance of each minors work card.

Sec. 6-73. - Qualifications of applicant.

An applicant for an alcoholic beverage handling employee card shall meet the following qualifications and conditions:

- (1) He must be a person of good character and reputation and 18 years of age or older.
- (2) He must not have been convicted of a felony under the laws of the United States, the state or any other state or country.
- (3) The applicant shall not have been convicted of prostitution, soliciting for prostitution, pandering, letting premises for prostitution, employing or permitting the presence of B drinkers, contributing to the delinquency of juveniles, keeping a disorderly place, letting a disorderly place, illegally dealing in controlled dangerous substances or any violation of the Uniform Controlled Dangerous Substances Law (R.S. 40:961 et seq.), or as such offenses may now or hereafter be otherwise named.
- (4) He must not have been convicted of violating the provisions of this chapter.
- (5) He must not have had his alcoholic beverage handling employee card revoked within two years next preceding the application.
- (6) He must not have been convicted of violating any municipal or parish ordinance relating to alcoholic beverages. In such case, the granting or denial of a card is within the discretion of the mayor or his designee.
- (7) The applicant shall not have been convicted of any obscene, lewd or immoral act on any premises licensed under this chapter.
- (8) The applicant must truthfully answer all questions on the application. A material misstatement or suppression of fact in the application or accompanying affidavit is grounds for denial of a permit to handle alcoholic beverages.

State Law reference— Qualifications of applicants for permits, R.S. 26:80, 26:280.

Sec. 6-74. - Issuance or denial.

The mayor or his designee is hereby authorized to issue, without delay, an alcoholic beverage handling employee card when, in his discretion, he finds the applicant to be qualified or may deny the application.

Sec. 6-75. - Contents; fees.

- (a) A card issued pursuant to this article shall contain the picture of the person to whom it is issued. A fee of \$30.00 shall be paid for the issuance of each card.
- (b) A money order will be made payable to the Bossier City Police Department in an amount equal to the charges set by that department to conduct a criminal history check on the applicant.

Sec. 6-76. - Term.

All alcoholic beverage handling employee cards shall be for a term of three years and shall expire on the anniversary of the date issued. All applications for renewal may be made within 30 days of the expiration of the old card.

Sec. 6-77. - Valid on premises of any permit holder; exception.

A card for an alcoholic beverage handling 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 department of public safety of the name and address of the alcoholic beverage handling employee card holder. Each alcoholic beverage permit holder shall maintain a current written list of all alcoholic beverage handling employees with their addresses on forms made available at the city police department; and shall make the list available for inspection when requested by the police department; and shall, on or before the tenth day of each month submit such list to the city police department showing all such employees employed by the permit holder during the prior month. Violation of this section is punishable as provided in section 1-9 of this Code.

Sec. 6-78. - Suspension or revocation; appeal.

- (a) An alcoholic beverage handling employee card may be suspended or revoked by the mayor or his designee if, at any time, the holder thereof fails to meet the qualifications prescribed by section 6-73 or if he violates any provision of this chapter or if he makes any misstatement of fact or suppresses any pertinent information on his application.
- (b) Before any alcoholic beverage handling employee card is suspended or revoked, the holder thereof shall be given notice of his right to a hearing before the mayor or his designee. Such notice shall inform the card holder of the reason for which the mayor proposes to suspend or revoke the card and shall inform the card holder that, unless a hearing is requested within ten days from the date the notice is sent, the mayor will suspend or revoke the card. Such notice shall be delivered either personally to the card holder or shall be sent by registered mail to the card holder's address given on his application for a card. In the event a hearing is not requested within ten days of the date such notice is sent, the mayor may proceed forthwith to revoke or suspend the alcoholic beverage handling employee card. In the event a hearing is requested by the card holder, the mayor shall inform the card holder of the date of such hearing, which hearing shall be held within ten days of the date of the receipt of the request for a hearing.
- (c) The holder of an alcoholic beverage handling employee card who feels aggrieved by a decision of the mayor in suspending or revoking such card may, within ten days of the notification of the decision of the mayor, appeal to the city council. The decision of the mayor shall be affirmed, unless a majority of the city council, at a hearing on such appeal, votes to overrule or modify such action.

NOW THEREFORE BE IT ORDAINED by the City Council of Bossier City, Louisiana in regular session convened, that Chapter 6 – Alcoholic Beverages of the Bossier City Code of Ordinances is hereby repealed and reenacted as set forth herein.

The above and foregoing Ordinance was read in full at open and legal session convened, was on motion of Mr. Thomas Harvey and seconded by Mr. David Montgomery, Jr. and adopted on the 22th, day of January, 2019, by the following vote:

AYES: Mr. Montgomery, Jr., Mr. Larkin, Mr. Irwin, Mr. Williams, Mr. Free and Mr. Harvey

NAYS: none

ABSENT: Mr. Darby

ABSTAIN: none

Jeff Free, President

Phyllis McGraw, City Clerk

New Business –

Witness opening of sealed bids for – Bid #P19-01 – U.S. Highway 80 Improvements

Best Yet Builders, LLC	\$10,991,072.92
Don M. Barron Contractor, Inc.	\$12,397,738.24
JB James Construction	\$15,824,571.00

By: Mr. Montgomery, Jr.

Motion to approve reading of bids.

Seconded by Mr. Williams

No comment

Vote in favor of motion is unanimous

The following Ordinance offered and adopted:

Ordinance No. 12 Of 2019

ADOPT AN ORDINANCE TO DECLARE THAT AN EMERGENCY DID EXIST IN THE CITY OF BOSSIER CITY WHICH AFFECTED, PROPERTY, PUBLIC HEALTH AND SAFETY DUE TO THE REQUIREMENT FOR REPAIRS AND IMPROVEMENTS TO THE NORTH BOSSIER PUMP STATION AT A COST OF \$65,000.00 TO COME FROM SEWER CAPITAL CONTINGENCY FUNDS.

WHEREAS, The City recommends the approval of work required to repair and improve the North Bossier Pump Station. Of note the requested funds cover materials and outside shop repair costs. The labor was performed on site by COBC/Manchac personnel. The effort will complete the rehabilitation of all components at the North Bossier Pump Station.; and

WHEREAS, \$65,000.00 may be appropriated from the sewer capital contingency fund.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Bossier City, Louisiana, in regular session convened, that the Bossier City Council does hereby

declare that an emergency exists and appropriates \$65,000.00 to come from the sewer capital contingency fund for repairs and improvement to the North Bossier Pump Station.

The above and foregoing Ordinance was read in full at open and legal session convened, was on motion of Mr. David Montgomery, Jr., and seconded by Mr. Timothy Larkin and adopted on the 22th, day of January, 2019, by the following vote:

AYES: Mr. Montgomery, Jr., Mr. Larkin, Mr. Irwin, Mr. Williams, Mr. Free and Mr. Harvey
NAYS: none
ABSENT: Mr. Darby
ABSTAIN: none

Jeff Free, President

Phyllis McGraw, City Clerk

By: Mr. Montgomery, Jr.

Motion to introduce an Ordinance to declare certain movable equipment owned by City of Bossier City as surplus to the City's need and provide for salvage and disposal according to law.

Seconded by Mr. Larkin

No comment

Vote in favor of motion is unanimous

By: Mr. Montgomery, Jr.

Motion to introduce an Ordinance repealing the appropriation of \$166,850.62 from the Police Department Operations Budget to compensate canine handlers for overtime from the 2018 and 2019 General Fund Fund Balance.

Seconded by Mr. Williams

No comment

Vote in favor of motion is unanimous

By: Mr. Montgomery, Jr.

Motion to introduce an Ordinance to appropriate \$25,000 to come from the Sales Tax Capital Contingency Fund to be used to pave part of the median on Hazel Jones Road to enhance the truck turning radius.

Seconded by Mr. Larkin

No comment

Vote in favor of motion is unanimous

By: Mr. Irwin

Motion to introduce an Ordinance to appropriate funds to cover construction cost for the Water Treatment Plant (WTP) Ozone System Improvement Project for a total of \$201,400.00 to come from the Water Capital Contingency Fund.

Seconded by Mr. Montgomery, Jr.

No comment

Vote in favor of motion is unanimous

RESOLUTION NO. 1 OF 2019

A RESOLUTION TO EXTEND THE CURRENT MORATORIUM ON ISSUANCE OF OCCUPATIONAL LICENSES AND CERTIFICATES OF OCCUPANCY FOR THE PLACEMENT AND PERMANENT OPERATION OF FOOD TRUCKS, TRAILERS AND OTHER SIMILAR FOOD VENDORS ON A SINGLE SITE FOR TIME PERIODS OF LONGER THAN ONE (1) BUSINESS DAY, BY INVITATION, WITHIN THE CORPORATE LIMITS OF THE CITY OF BOSSIER CITY.

WHEREAS, the Bossier City-Parish Metropolitan Planning Commission is increasingly being requested to approve Food Trucks, Canteen Trucks, Food Trailers, and other similar types of non-seasonal food vending operations;

WHEREAS, no regulations regarding the placement and operation of Food Trucks (Mobile Kitchens), Canteen Trucks, Food Trailers and other similar types of non-seasonal food vending operations are currently existing in the Bossier Unified Development Code;

WHEREAS, the Bossier City-Parish Metropolitan Planning Commission is developing a comprehensive ordinance for the purpose of regulating Food Trucks, canteen Trucks, Food Trailers and other similar types of non-seasonal food vending operations;

WHEREAS, the City of Bossier City adopted Resolution 58 of 2018 on July 17, 2018 in a Regular Meeting of the Bossier City Council;

WHEREAS, the extended moratorium shall be in effect for a period of six (6) months,

WHEREAS, this newly extended moratorium may be further extended by a majority vote of the Bossier City Council, and

NOW THEREFORE, BE IT RESOLVED THAT the Bossier City Council adopts the above described Resolution.

Motion was made by Mr. David Montgomery, Jr. and seconded by Mr. Timothy Larkin

to adopt the above ordinance. Upon the following vote, the ordinance was duly adopted on the 22th, day of January, 2019:

AYES: Mr. Montgomery, Jr., Mr. Larkin, Mr. Irwin, Mr. Williams, Mr. Free and Mr. Harvey

NAYS: none

ABSENT: Mr. Darby

ABSTAIN: none

Jeff Free, President

Phyllis McGraw, City Clerk

The following Resolution offered and adopted:

RESOLUTION 2 Of 2019

A RESOLUTION AUTHORIZING THE HIRING OF TWO POLICE OFFICERS FOR THE BOSSIER CITY POLICE DEPARTMENT.

WHEREAS, Ordinance No. 21 of 2019 implemented a requirement assuring that the City department budgets not be exceeded by any hiring of any personnel; and

WHEREAS, the position of (2) Police Officers is vacant due to one (2) resignations.

WHEREAS, the administration and the department assures that all current budgets have been verified and that no authorized salary has been exceeded; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of Bossier City, Louisiana, in regular session convened, that the administration is authorized to proceed with hiring procedures for the fulfillment of this position.

The above and foregoing Resolution was read in full at open and legal session convened, was on motion of Mr. Thomas Harvey, and seconded by Mr. David Montgomery, Jr., and adopted on the 22nd, day of January, 2019 by the following vote:

AYES: Mr. Montgomery, Jr., Mr. Larkin, Mr. Irwin, Mr. Williams, Mr. Free and Mr. Harvey

NAYS: none

ABSENT: Mr. Darby

ABSTAIN: none

Jeff Free, President

Phyllis McGraw, City Clerk

The following Resolution offered and adopted:

RESOLUTION 3 Of 2019

A RESOLUTION AUTHORIZING THE HIRING OF ONE POLICE OFFICER FOR THE BOSSIER CITY POLICE DEPARTMENT.

WHEREAS, Ordinance No. 21 of 2019 implemented a requirement assuring that the City department budgets not be exceeded by any hiring of any personnel; and

WHEREAS, the position of (1) Police Officer is vacant due to one (1) resignation.

WHEREAS, the administration and the department assures that all current budgets have been verified and that no authorized salary has been exceeded; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of Bossier City, Louisiana, in regular session convened, that the administration is authorized to proceed with hiring procedures for the fulfillment of this position.

The above and foregoing Resolution was read in full at open and legal session convened, was on motion of Mr. Thomas Harvey, and seconded by Mr. David Montgomery, Jr., and adopted on the 22nd, day of January, 2019 by the following vote:

AYES: Mr. Montgomery, Jr., Mr. Larkin, Mr. Irwin, Mr. Williams, Mr. Free and Mr. Harvey

NAYS: none

ABSENT: Mr. Darby

ABSTAIN: none

Jeff Free, President

Phyllis McGraw, City Clerk

The following Resolution offered and adopted:

RESOLUTION 4 Of 2019

A RESOLUTION AUTHORIZING THE HIRING OF ONE PART-TIME ANIMAL CONTROL WORKER FOR THE PUBLIC WORKS DEPARTMENT

WHEREAS, Ordinance No. 21 of 2018 implemented a requirement assuring that the City department budgets not be exceeded by any hiring of any personnel; and

WHEREAS, one part-time position is vacant due to retirement, resignation or termination; and

WHEREAS, the administration and the department assures that all current budgets have been verified and that no authorized salary has been exceeded; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of Bossier City, Louisiana, in regular session convened, that the administration is authorized to proceed with hiring procedures for the fulfillment of this position.

The above and foregoing Resolution was read in full at open and legal session convened, was on motion of Mr. David Montgomery, Jr., and seconded by Mr.

Timothy Larkin, and adopted on the 22nd, day of January, 2019 by the following vote:

AYES: Mr. Montgomery, Jr., Mr. Larkin, Mr. Irwin, Mr. Williams, Mr. Free and Mr. Harvey

NAYS: none

ABSENT: Mr. Darby

ABSTAIN: none

Jeff Free, President

Phyllis McGraw, City Clerk

The following Resolution offered and adopted:

RESOLUTION 5 OF 2018

A RESOLUTION AUTHORIZING THE PROMOTION OF A SUPERINTENDENT FOR THE ENVIROMENTAL AFFAIRS DIVISION OF THE PUBLIC UTILITIES DEPARTMENT.

WHEREAS, Ordinance No. 21 of 2018 implemented a requirement assuring that the City department budgets not be exceeded by any hiring of any personnel; and

WHEREAS, the position of Superintendent will be vacant due to retirement; and

WHEREAS, the promotion of the current Industrial Pretreatment Coordinator will fill this position within the current budgets; and

WHEREAS, the administration and the department assures that all current budgets have been verified and that no authorized salary has been exceeded; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of Bossier City, Louisiana, in regular session convened, that the administration is authorized to proceed with hiring procedures for the fulfillment of this position.

The above and foregoing Resolution was read in full at open and legal session convened, was on motion of Mr. Scott Irwin and seconded by Mr. David Montgomery, Jr., and adopted on the 22nd, day of January, 2019 by the following vote:

AYES: Mr. Montgomery, Jr., Mr. Larkin, Mr. Irwin, Mr. Williams, Mr. Free and Mr. Harvey

NAYS: none

ABSENT: Mr. Darby

ABSTAIN: none

Jeff Free, President

Phyllis McGraw, City Clerk

The following Resolution offered and adopted:

RESOLUTION 6 Of 2019

A RESOLUTION AUTHORIZING THE HIRING OF AN ACCOUNTS CLERK II FOR THE CUSTOMER SERVICE DEPARTMENT

WHEREAS, Ordinance No. 21 of 2018 implemented a requirement assuring that the City department budgets not be exceeded by any hiring of any personnel; and

WHEREAS, the position of an ACCOUNTS CLERK II is vacant due to a retirement; and

WHEREAS, the administration and the department assures that all current budgets have been verified and that no authorized salary has been exceeded; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of Bossier City, Louisiana, in regular session convened, that the administration is authorized to proceed with hiring procedures for the fulfillment of this position.

The above and foregoing Resolution was read in full at open and legal session convened, was on motion of Mr. David Montgomery, Jr., and seconded by Mr. Timothy Larkin, and adopted on the 22nd, day of January, 2019 by the following vote:

AYES: Mr. Montgomery, Jr., Mr. Larkin, Mr. Irwin, Mr. Williams, Mr. Free and Mr. Harvey

NAYS: none

ABSENT: Mr. Darby

ABSTAIN: none

Jeff Free, President

Phyllis McGraw, City Clerk

By: Mr. Montgomery, Jr.

Motion to approve Report of Change Order #1 for the Big Airline Landscaping Project for an increase of \$2,050.00. Total cost of contract with Change Order \$49,800.00

Seconded by Mr. Larkin

No comment

Vote in favor of motion is unanimous

By: Mr. Montgomery, Jr.

Motion to approve the appointment of Bill Altimus to the Caddo-Bossier Port Commission for a 6- year term. Effective date is February 17, 2019 and will expire February 16, 2025.

Seconded by Mr. Larkin

Council and Mayor thanked Mr. Watkins for his service

No further comment

Vote in favor of motion is unanimous

By: Mr. Montgomery, Jr.

Motion to approve Parade Permit Fee Waiver for Life March North LA., January 26, 2019.

Seconded by Mr. Irwin

No comment

Vote in favor of motion is unanimous

By: Mr. Montgomery, Jr.

Motion to introduce an Ordinance to approve the use of Bossier City Water and Sewer Services for a proposed dentist office to be located at 5209 Airline Drive.

Seconded by Mr. Irwin

No comment

Vote in favor of motion is unanimous

By: Mr. Montgomery, Jr.

Motion to introduce an Ordinance authorizing the sale of 6.280 acres of land at \$60,000 an acre to EDKO, LLC and authorizing Mayor Lorenz Walker to execute any and all documents in connection therewith.

Seconded by Mr. Larkin

No comment

Vote in favor of motion is unanimous

Mr. Montgomery thanked the Council and Administration for giving the people a North South corridor that would be rail free.

There being no further business to come before this Council, meeting adjourned at 3:35PM by Mr. Free

Respectfully submitted:

Phyllis McGraw

City Clerk

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