

ORDINANCE NO. 1155

AN ORDINANCE TO AMEND AND REENACT THE CODE OF ORDINANCES, CITY OF MINDEN, STATE OF LOUISIANA, CHAPTER 6 – ALCOHOLIC BEVERAGES

AN ORDINANCE amending and reenacting Chapter 6 of the Minden Code of Ordinances, Alcoholic Beverages: Article I, Sections 6-1., 6-4., 6-5., 6-5.1., 6-7.1., and 6-8.; Article II, Sections 6-16. through 6-19., 6-21. through 6-23.1., 6-25. through 6-26., 6-28., and 6-30.; Article III, Sections 6-51. through 6-56.; Article IV, Sections 6-71. through 6-90.; Article V, Sections 6-91. through 6-93. and 6-95. through 6-98.; Article VI, Section 6-107.; and Article VII for clarification as provided herein.

WHEREAS, Article I, In General: Section 6-1. – Definitions is to be revised to define, redefine, and remove certain terms; Section 6-4. – Penalty for False Statement is to be removed; Section 6-5. – Closing Hours is to be renumbered Section 6-4., renamed Hours of Operation, and redefined for different classes of retail dealers and restaurants; Section 6-5.1. – Hours of Operation of Special Events Temporary Alcohol Permits is to be renumbered Section 6-5.; Section 6-7.1. – Drinking in Public Places is to be renumbered Section 6-8.; and Section 6-8. – Bottle Club, Private Club, Definitions; Hours; Prohibited Acts is to be renumbered Section 6-9. and revised to redefine *Bottle Club*. All sections are to be renumbered as necessary.

WHEREAS, Article II, Dealer's Permit: Section 6-16. – Required is to be renumbered Section 6-20. and revised to outline the requirements for obtaining a permit from the City of Minden; Section 6-17. – Separate Permit Required for Each Business Location and Section 6-18. Notice of Application are to be removed; Section 6-19. – Application is to be renumbered Section 6-21. and revised to remove subsections (b), (c), and (d); Section 6-21. – Certification of the Police Department, Section 6-22. – Qualifications of Applicant, and Section 6-23. – Interposed Persons are to be removed; Section 6-23.1. – Misstatement or Suppression of Fact in Application is to be renumbered Section 6-23. and revised to elaborate on false statements and set a fine for violation of this section; Section 6-25. – Proximity to Churches, Schools, etc. is to be revised to remove subsections (b), (c)(2), (d), (g), and (h); Section 6-26. – Retail Alcohol Permit Classifications; Permit Fees is to be renamed Alcohol Permit Classifications and Permit Fees and revised to outline classifications; and Section 6-28. – Personal Nature of Permits, Necessity of Display Penalties; Transferability and Inheritability and Section 6-30. – Renewal are to be revised to replace outdated terms. All sections are to be renumbered as necessary.

WHEREAS, Article III, Prohibited Acts on the Permitted Premises; Grounds for Suspension or Revocation: Section 6-51. – Acts Prohibited on Premises; Suspension or Revocation of Permits is to be renamed Acts Prohibited on Premises and revised to state that prohibited acts are set forth in Louisiana State Law; Section 6-52. – Additional Cause for Suspension or Revocation of Permits and Section 6-56. – Revocation or Suspension Hearings; Dispositions are to be removed; Section 6-53. – Authority to Grant, Refuse, Suspend, or Revoke Alcoholic Beverage Permits is to be renumbered Section 6-52.; Section 6-54. – Penalties, Fines, and Terms of Imprisonment is to be renumbered Section 6-53.; Section 6-55. – Administration of Alcoholic Beverage Laws is to be renumbered Section 6-54. All sections are to be renumbered as necessary.

WHEREAS, Article IV, Alcoholic Beverage Operator (ABO) Card is to be removed.

WHEREAS, Article V, Hearings; Suspensions, Revocations, and Denials: Section 6-91. – Authority to Suspend or Revoke Alcoholic Beverage Permits and Cards, Section 6-92. – Hearing and Notice; Appeals Process for All Permits Suspended, Revoked, or Denied, Section 6-93. – Procedure at Hearing; Contempt, Section 6-95. – Basis for Determination by City Council to Suspend, Revoke, or to Deny Permit Card, Section 6-96. – Recovery of Cost Hearing, Section 6-97. – Decisions to Deny, Suspend, or Revoke Permits or Cards Final Unless Appealed

and Reversed, and Section 6-98. – Appeal of Decision to Deny, Suspend, or Revoke Permits or Cards
are to be revised to remove language about Alcoholic Beverage Operator (ABO) cards. Article V is to be renumbered Article IV.

WHEREAS, Article VI, Alcohol Beverage Control Board (ABCB): Section 6-107. – ABCB Hearings, Dispositions is to be revised to remove language about Alcoholic Beverage Operator (ABO) cards. Article VI is to be renumbered Article V.

WHEREAS, Article VII, Minimum Age is to be renumbered Article VI.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Minden, in legal session convened, that Chapter 6 of the Minden Code of Ordinances, Alcoholic Beverages, be amended and reenacted as provided herein to read as follows, to-wit:

ARTICLE I.

IN GENERAL

Section 6-1. – Definitions.

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

Alcoholic Beverage Permit means a permit require by and issued pursuant to the provisions of this chapter.

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 fifty percent (50%) of all gross sales is considered a bar.

Beverage of High Alcoholic Content means alcoholic beverages containing more than six percent alcohol by volume.

Beverage of Low Alcoholic Content means alcoholic beverages containing not more than six percent alcohol by volume.

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.

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.

Handle means sell, use, distribute, store, consume, or otherwise handle.

Premises or Premises to Be Licensed means the building or that part of the building as defined in the application for the permit in which beverages of alcoholic content are sold, except in cases where such beverages are regularly sold or served outside the building, the terms shall also include such outside area.

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.

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.

Restaurant means an establishment:

- (1) Which operates a place of business whose purpose and primary function is to take orders for and serve food and food items; and
- (2) Which may serve alcoholic beverages in conjunction with meals; and
- (3) Which is capable of serving food through the taking of orders, preparing and serving any and all menu items during all hours of operation, except that after 10:00 p.m. must be capable of serving all items from the menu or only items from the appetizer or starter section of the menu; and
- (4) Which has a minimum seating capacity for 32 patrons to be served at tables; and
- (5) Which maintains separate sales figures on alcoholic beverages and upon review of a monthly compilation of said sales figures, more than half of all gross sales must be generated by food items; and
- (6) Which operates a fully equipped kitchen used for the preparation of uncooked foods for service and consumption of such foods on the premises; and
- (7) The establishment has been certified by the local health department showing compliance with all health and sanitary requirements.

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.

Section 6-4. – Hours of Operation.

Permissible hours to sell, serve, handle or dispense beverages of low or high alcohol content within the city. Determined by retail alcohol permit classification.

- (a) Class A Retail Dealer:
Monday thru Sunday – 11:00 am until 2:00 am the following day.
- (b) Class A-R Restaurant:
Monday thru Sunday – 10:00 am until 2:00 am the following day.
- (c) Class B Retail Dealer:
Monday thru Saturday – 7:00 am until 11:00 pm
Sunday – 12:00 pm (noon) until 10:00 pm
- (d) Class C Retail Dealer:
Monday thru Saturday – 7:00 am until 12:00 am (midnight)
Sunday – 12:00 pm (noon) until 10:00 pm

Section 6-5. – Hours of Operation of Special Events Temporary Alcohol Permits.

- (a) Special event temporary alcohol permits issued may be for three consecutive days only.
- (b) *Permissible hours to sell, serve, handle or dispense alcohol for special event temporary alcohol permits.* The permit holder is hereby permitted to sell, serve, handle or dispense alcohol beverages with high and/or low content for on-premises consumption within the city between the hours of 10:00 a.m. and 12:00 midnight on any day of the week.

- (c) The special event temporary alcohol permit is not for the purpose of serving alcohol beyond the hours of operation and closing hours of any establishment as provided under the provisions of the City Code or any applicable special use permit issued in accordance with any other applicable ordinances of the city.

Section 6-8. – Drinking in Public Places

It shall be unlawful for any person to possess any alcoholic beverage in the City in any “open container” on any parking lots, streets, sidewalks, or other public places as defined herein, except (i) during special city approved community events as to which a special event permit has been issued by the City and only within the area specified in the permit, or (ii) on the portions of a sidewalk adjacent to a restaurant establishment which beverage has been served to a patron of the restaurant establishment seated at a table of the restaurant establishment who has ordered a food item from the menu of the restaurant establishment.

Section 6-9. – Bottle Club, Private Club; Definitions; Hours; Prohibited Acts.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Bottle Club means any establishment in which the owner/operator or his employee does not sell, serve, handle, dispense or store alcoholic beverages, but patrons are allowed to consume alcoholic beverages on the premises either from the patron's own store, stock or supplies of alcoholic beverages or from any other source, and the establishment's main business transactions (admission fees) are not related to alcoholic beverages.

- (a) *Private Club* means an organization with limited and restricted membership which either:

- (1) Is nonprofit in nature and classified as exempt from the payment of state and federal income tax; or
- (2) Charges members dues or other charges for membership of at least \$50.00 per month; requires that the dues of any member must be fully paid in order to be a member; and exists for a fraternal, educational or social purpose.

- (b) *Bottle Clubs; Prohibitions.*

- (1) It shall be unlawful for any bottle club to permit or admit any member of the public into such establishment, or part thereof, between the hours of 12:00 midnight on Sunday until 6:00 a.m. the following Monday.
- (2) The owner/operator of any bottle club shall remove all patrons and members of the public from the premises by 12:01 a.m., and all doors to such premises shall be locked and closed and the establishment shall not be reopened until after 6:00 a.m. the following morning. The owner/operator and his employees or agents may enter the closed premises for the purpose of cleaning, taking stock or other work within the establishment.
- (3) It shall be unlawful for any bottle club to permit members of the public to remain in the parking lot of such establishment for more than 30 minutes after the closing of such establishment.

- (c) *Private clubs.* Private clubs and/or individuals who allow nonmember, general public entry; alcoholic consumption on the premises; and charge a fee or something of value for entry to such establishment shall be subject to the same

operating guidelines for bottle clubs as specified in subsection (b) of this section.

Section 6-10. – Section 6-19. – Reserved.

ARTICLE II.

DEALER'S PERMIT

Section 6-20. – Required.

- (a) All persons shall annually obtain from the city a permit as provided in this article before engaging in the business of dealing in beverages of high or low alcoholic content.
- (b) All persons applying for or holding a city permit shall poses a current Louisiana Alcohol and Tobacco Control Permit of comparable classification.
- (c) No person shall do any act for which a permit is required by this article unless such person holds the proper city permits.
- (d) Whoever violates this section shall be punished by a fine of not more than \$500.00 or imprisonment of not more than 60 days, or both.

Section 6-21. – Application.

Applications for Retail Alcohol permits or renewals shall be on the form prescribed by the city and shall contain the full name of the applicant, his social security number, his federal employer identification number, if applicable, his Louisiana Department of Revenue business account number, if applicable, his correct home address, and an accurate description and correct address of the premises wherein the business or operation is to be conducted, which address shall be considered the proper address for all notices to the applicant or permittee required by this Chapter.

Section 6-22. – Administrative Issuance.

Upon the application for a permit as provided in this article, the city clerk, after a proper investigation, including consultation with the chief of police or his designees, may issue the permit when it meets all of the requirements of this article and other applicable laws. However, if the city clerk, or his designee, denies the application or refuses to take action on such application within 30 days of receipt of the application, such action or inaction shall be final, subject only to review by the court as provided in the Louisiana Alcohol and Tobacco Control Law.

Section 6-23 – Misstatement or Suppression of Fact in Application.

- (a) Any misstatement or suppression of fact in an application or accompanying affidavit is a ground for the denial, withholding or suspension of a permit in the manner provided in this Chapter.

- (b) No person shall knowingly make any false statement or provide any false information in their application for an alcoholic beverage holder’s permit.
- (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.

Section 6-25. – Proximity to Churches, Schools, etc.

- (a) No permit shall be granted under this Chapter in contravention of any municipal ordinance adopted pursuant to the zoning laws of the state or the City of Minden.
- (b) No permit shall be granted for any premises situated within three hundred feet or less, as fixed by the ordinance, of a public playground, of a building used exclusively as a church or synagogue, public library, school, or full-time day care center as defined in R.S. 17:405(A)(4), or correctional facility housing inmates, including but not limited to a halfway house. This distance shall be measured in a straight line from the nearest point of the property line of the church or synagogue, public library, school, or full-time day care center or correctional facility housing inmates, including but not limited to a halfway house to the nearest point of the premises to be licensed.
- (c) The provisions of this Section shall not apply to registered pharmacists or licensed drug stores, licensed under the laws of the state of Louisiana who are permitted to sell alcoholic beverages by prescription only, either of high or low alcoholic content under Chapter 1 or Chapter 2 of Title 26 of the Louisiana Revised Statutes of 1950.
- (d) Should any premises licensed to deal in beverages of low alcoholic content be located within a distance less than that provided by a municipal or parish ordinance pursuant to this Section from property which is purchased or acquired after the license was obtained for the construction, erection, movement, or development of a public playground or a building used exclusively as a church or synagogue, public library, school, full-time day care center, or correctional facility housing inmates, including but not limited to a halfway house, such subsequent purchase or acquisition shall not be grounds for the revocation, withholding, denial, or refusal to renew the permit on said premises either by state or local authorities.
- (e) For the purposes of this Section, “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.

Section 6-26. – Alcohol Permit Classifications and Permit Fees.

Wholesale.....\$100.00

Class A Retail Dealer:

Alcohol is sold on premises for consumption on premises. Shall be staffed by a bartender whose primary duty is to open and/or prepare beverage alcohol for consumption on premises. NO person under the age of eighteen is allowed on premises.

Low Alcohol Content Only.....\$75.00
 Low & High Alcohol Content.....\$500.00

Class A-R Restaurant:

Must meet "Restaurant" requirements as defined in this chapter Section6-1.

Low Alcohol Content Only.....\$75.00
Low & High Alcohol Content.....
\$500.00

Class B Retail Dealer:

Alcohol is sold in factory sealed containers for transportation and consumption off premises only. Primary business may be other than the sale of alcoholic beverages. High alcohol content sales are not allowed at locations which sell motor fuel.

Low Alcohol Content Only.....\$60.00
Low & High Alcohol Content.....\$500.00

Class C Retail Dealer:

Alcoholic beverages are the principal commodity sold for off-premise consumption only. Does not sell motor fuel. Does not employ or allow persons under the age of eighteen on the premises. May sell frozen specialty beverages in closed containers prepared for transportation and consumption off-premises only.

Low & High Alcohol Content.....\$500.00

Fees will be prorated as follows: If the license will be valid for six months or less, the permit fee will be reduced by fifty percent.

Section 6-28. – Personal Nature of Permits; Necessity of Display Penalties; Transferability and Inheritability.

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

- (1) Permits are valid for only one year unless revoked or suspended.
- (2) The permit is not transferrable, assignable, or heritable. The permit must be returned to the office of the city clerk or surrendered to an agent of the city clerk within five days of closure, when the ownership of the business is transferred or the business is terminated. When the ownership of the business is transferred, the new owner shall be allowed to continue to operate using the transferor's permit until a new permit is issued or denied, if the new owner notifies the office of the city clerk of the transfer within five days of the transfer and applies for a new alcoholic beverage permit within fifteen days of the transfer of ownership. If the permit holder is a corporation or limited liability company, the permit holder shall notify the office of the city clerk of any changes in the officers, directors, managers, shareholders, members, or persons previously qualified to conduct or manage the business within fifteen days of the date of such changes. The notification shall include the suitability documents and information for each new individual required to possess the qualifications of the applicants. However, in the event of the dissolution of a partnership by death, the surviving partner or partners may operate under the partnership permit. The office of the city clerk shall be notified of any changes to the licensed business premises which increase or decrease the previously approved licensed business premises prior to any such changes.
- (3) Receivers and trustees in bankruptcy may operate under the permit of the person succeeded.

- (4) When the location of a place of business is proposed to be changed, the proposal shall be received and must be approved by the issuing authority before such action is taken. The change of location shall be noted on the permit by the issuing authority and the permit shall be invalid unless the notation is made.
 - (5) The permit, in addition to any other permit required to be displayed, shall be posted in a conspicuous place on the licensed premises so as to be easily seen and read by the public. No other signs or notices, except those required by state or federal law, shall be required to be displayed by the retail dealer.
 - (6) A partnership may include a surviving spouse not separate in community and that spouse may operate under the partnership permit for the remainder of the term.
 - (7) A partnership, corporation, or any other authorized legal entity recognized under the laws of the state of Louisiana may include a spouse who has a regime of separation of property, pursuant to Civil Code Article 2370, and may include a spouse who owns the interest in the partnership, corporation, or legal entity as that spouse's separate property, pursuant to Civil Code Article 2341 and that spouse may operate under the permit of the partnership, corporation, or other legal entity for the remainder of the term after final conviction of the other spouse for any felony not directly related to the Alcoholic Beverage Control Law permit.
- (b) The failure of a retail dealer to publicly display his permits, as required by Paragraph (a)(5) of this Section, shall be grounds for the withholding, suspension, or revocation of the dealer's retail permit.

Section 6-30. – Renewal.

Persons holding permits under this article shall file an application for renewal of such permits for the ensuing year and pay the permit fees which are due on January 1st of each year. Permit fees will become delinquent on or after March 1st of each year.

- (1) Except as otherwise provided by law, persons holding permits under this Chapter, whether state or local, shall file applications for renewal thereof for the ensuing year in the manner provided with the City Clerk. Anyone filing his renewal application after the date set shall be charged a delinquency penalty of twenty-five percent over and above the regular fee. If a permittee fails to make his application for renewal by the end of the term, his application may be denied and the City Clerk may, without notice or hearing, suspend his right to do business.
- (2) Any applicant who makes his application for renewal before the end of the permit period shall continue business under his old permit unless it has been suspended or revoked or the new permit withheld or denied.
- (3) Renewal permits may be withheld or denied on the same grounds and in the same manner as an original permit.

ARTICLE III.

PROHIBITED ACTS ON THE PERMITTED PREMISES; GROUNDS FOR SUSPENSION OR REVOCATION

Section 6-51. – Acts Prohibited on Premises.

Prohibited acts are as set forth in State Law R.S. 26:286.

Section 6-52. – Authority to Grant, Refuse, Suspend, or Revoke Alcoholic Beverage Permits.

- (a) Notwithstanding any other provisions of this chapter, 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 fines to be paid into the city treasury for:
 - (1) The first offense, \$500.00;
 - (2) The second offense which occurs within three years of the first offense, \$750.00; and
 - (3) The third offense which occurs within three years of the first offense, \$1,000.00.
- (b) The revocation or suspension of a permit is in addition to and not in lieu of, or limitation of any other penalty imposed by law.
- (c) For the purposes of this section, the term “offense” shall mean each violation of this chapter which the council finds has occurred. More than one offense may be considered by the council in a single hearing.

Section 6-53. – Penalties, Fines, and Terms of Imprisonment.

In addition to action taken by the city council in suspending, revoking, fining, or denying any license, permit, card, or application covered by this chapter, any person convicted in a competent court of jurisdiction, of violating any provisions of this chapter shall be punished by a fine or not more than \$500.00 or imprisonment for not more than six months, or both, and each day’s violation shall constitute a separate offense.

- (1) *Officers and agents held responsible for corporate violations.* The officers or agent in charges of any corporation for which license or permit may have been issued hereunder shall be subject to the prosecution for any violation by such corporation, and upon conviction shall be punished as provided above.
- (2) *License holder, agent, employee or servant, subject to same fine.* Any permit holder, agent, employee or servant of same violating any of the provisions of this chapter, upon conviction, shall be punishable as provided above.

Section 6-54. – Administration of Alcoholic Beverage Laws.

- (a) The city council, in its discretion, may serve as the Alcoholic Beverage Control Board (ABCB), or may by resolution, establish a separate independent ABCB and shall appoint five members of two year terms. A member whose term has expired shall continue to serve until his or her successor is appointed in the manner as herein provided.
- (b) In the event of death or resignation of a board member prior to expiration of his or her term, a successor shall be appointed for the unexpired term in the same manner as the deceased or retiring board member was appointed, and shall take office immediately upon appointment. Such successor board member shall be eligible for reappointment to a full term.

- (c) No person shall be appointed to the ABCB unless he or she is a resident of the city.
- (d) Members of the ABCB shall administer the laws governing the alcoholic beverages as enacted by the State of Louisiana and the City of Minden. The ABCB shall have no legislative powers.
- (e) The city council may terminate the ABCB by resolution.

Section 6-55. – Section 6-90. – Reserved.

ARTICLE IV.

HEARINGS; SUSPENSIONS, REVOCATIONS AND DENIALS

Section 6-91. – Authority to Suspend or Revoke Alcoholic Beverage Permits.

The city council, or the ABCB appointed and given authority for the purpose of refusing permits, giving suspensions, revoking permits, for the sale and handling of beer or other alcoholic beverages.

Section 6-92. – Hearing and Notice; Appeals Process for All Permits Suspended, Revoked, or Denied.

- (a) Before any alcoholic beverage permit holder is suspended, revoked, or when an application for an alcoholic beverage permit has been denied and the applicant has appealed to the city council, the permit holder shall be entitled to a hearing. No such permit or application shall be denied, suspended, revoked unless the aggrieved person has appealed and such a hearing has been held, and a majority of the city council votes for such denial, suspension or revocation. The decision of the city clerk in denying the permit or card shall remain in effect unless and until the city council votes after such hearing to reverse the decision of the city clerk. In cases in which the city council reverses the decision of the city clerk in denying a permit, the city clerk shall issue the permit and note on it the approval by the decision of the city council and the date of such decision.
- (b) A notice shall be served upon the applicant or holder of the permit stating the time and place of the hearing to be held by the city council. The hearing shall not be less than ten or more than thirty calendar days from the date such notice is received, except that in the case of the denial of a permit or card, if the applicant request an earlier hearing, the city council may hold the hearing earlier. The notice shall enumerate the causes for withholding, suspending or revoking the permit and shall be sent by certified mail, return receipt requested, to the applicant or holder of the permit at the address of his place of business, as given in his application for the permit, or it may be served on him in person by an officer or employee of the city. In the case of revocation or suspension of a permit, the notice shall subpoena the holder of the permit to appear and show cause why the permit should not be suspended or revoked, or a fine imposed.

Section 6-93. – Procedure at Hearing; Contempt.

- (a) The city council may administer oaths, issue subpoenas for the attendance of witnesses and the production of books, papers, accounts and documents, and

examine witnesses and receive testimony at the hearing for suspensions, revocation, or denial of permits under this chapter.

- (b) If any person fails to comply with a subpoena issued by the city council, or if a witness refused to testify in any matter regarding which he may be lawfully interrogated, such failure or refusal shall constitute contempt of the city council and upon conviction in any court of competent jurisdiction shall be punished pursuant to section 6-54. Notwithstanding any other provision of this chapter, such a conviction of a permit holder shall be cause for suspension or revocation of his permit.

Section 6-95. – Basis for Determination by City Council to Suspend, Revoke, or to Deny Permit.

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

Section 6-96. – Recovery of Cost of Hearing.

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

Section 6-97. – Decisions to Deny, Suspend or Revoke Permits Final Unless Appealed and Reversed.

Decisions of the city council in denying, suspending or revoking permits are final and binding on all parties unless appealed and finally reversed by the courts.

Section 6-98. – Appeal of Decision to Deny, Suspend, or Revoke Permits

The applicant or holder of an alcoholic beverage permit who is aggrieved by a decision of the city council to deny, 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 or the subject matter, and on such appeal, the trial shall be *de novo*. After judgment has been rendered by the district court, the city or the applicant or holder of the permit, as the case may be, may appeal from the judgment of the district court to the court of appeals as in ordinary civil cases and in accordance with the *Code of Civil Procedure*.

ARTICLE V .

ALCOHOL BEVERAGE CONTROL BOARD (ABCB)

Section 6-107. – ABCB Hearings, Dispositions.

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

ARTICLE VI.

MINIMUM AGE

Section 6-121. – 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 of Minden, 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 not be less than two feet long and one foot wide, in prominent letters sharply contrasting in color with the background of the sign.

Section 6-122. – Purchase, Consumption, and Public Possession of Alcoholic Beverages by Persons Under 21 Years of Age.

- (a) *Unlawful.* It shall be unlawful for any person under 21 years of age to purchase or have public possession of any alcoholic beverage.
- (b) *Violation, penalty.*
 - (1) Whoever violates the provisions of this section shall be fined not more than \$300.00 or imprisoned for not more than six months, or both.
 - (2) Any person apprehended while violating the provisions of this section shall be issued a citation by the apprehending law enforcement officer which shall be paid in the same manner as provided for offenders of local traffic violations.

Section 6-123. – Purchase on Behalf of Persons Under 21, Violation; Penalty.

- (a) It is unlawful for any person, other than a parent or legal custodian for the purposes specified in this Chapter to purchase or obtain on behalf of a person under 21 years of age any alcoholic beverage.
- (b) Whoever violates the provisions of this section shall be fined not more than \$500.00 or imprisoned for not more than 90 days, or both.

Section 6-124. – Retail Dealer’s Responsibilities.

Nothing in Sections 6-122 and 6-123 shall be construed as relieving any retail dealer in beverages of either high or low alcoholic content of any of the responsibilities imposed on him under the provision of this chapter or under the provision of the Revised Statutes, Title 26.

Section 6-125. – 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.

Section 6-126. – Entry on 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 principal commodity sold, handled or given away. Provided that this section shall not apply to persons lawfully employed by the business in accordance with Section 6-122.
- (b) The holder of any alcoholic beverage retail permit issued by the 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 6-126 of the Cod of Ordinances of the City of Minden 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 provision of this section shall be fined not more than \$500.00 or imprisoned for not more than 60 days or both.

Section 6-127. – 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 Minden 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 6-127 of the Code of Ordinances of the City of Minden 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 \$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.

Section 6-128. – Employee Identification.

All employees of an alcohol establishment shall maintain on their person and on file at the establishment a form of photographic identification as defined by subsection 6-127.(b).

BE IT FURTHER ORDAINED that if any provision of this Ordinance or the application thereof to any person or circumstance is held to be invalid, illegal, or unconstitutional, the remainder of this Ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

BE IT FURTHER ORDAINED that this Ordinance shall be binding and shall become effective thirty (30) days after the first publication in the official journal of the City of Minden.

BE IT FURTHER ORDAINED that it is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances, City of Minden, Louisiana, and the sections of this ordinance may be numbered to accomplish such intention.

PASSED AND ADOPTED by the Council of the City of Minden on this 2nd day of June, 2025, by the following vote and upon motion and second of Latasha Mitchell and Michael Roy, respectively:

AYE(S): 5

NAY(S): 0

ABSENCE(S): 0

ABSTENTION(S): 0

Nicholas A. Cox, Mayor

ATTEST:

Melaney Langford, City Clerk