

The following was offered by Mr. Zeno and seconded by Ms. Monroe:

**ORDINANCE NO. 04-1213-2010**

**AMENDMENT TO JACKSON PARISH LIQUOR  
ORDINANCE ADOPTED OCTOBER 5, 1992 AS AMENDED IN ORDINANCES  
ADOPTED FEBRUARY 1, 1994, JUNE 7, 1999 AND MAY 11, 2009**

AN ORDINANCE OF THE JACKSON PARISH POLICE JURY AMENDING THE JACKSON PARISH ALCOHOLIC BEVERAGE ORDINANCES AS REFLECTED IN ORDINANCES ADOPTED ON OCTOBER 5, 1992, FEBRUARY 1, 1994, JUNE 7, 1999, AND MAY 11, 2009, REVISING SECTIONS 5 (A); SECTION 5 (B);

WHEREAS, the Jackson Parish Police Jury desires to amend its existing Alcoholic Beverage Ordinance so as to require applicants for permits and applicants for the renewal of permits to provide copies of their applications for appropriate state licenses or their existing state licenses:

NOW, THEREFORE BE IT ORDAINED by the Police Jury of Jackson Parish, in regular session, duly convened the 13<sup>th</sup> day of December, 2010, that the Alcoholic Beverage Control Ordinance of the Jackson Parish Police Jury passed October 5, 1992, as amended on February 1, 1994, June 7, 1999, and May 11, 2009, be in the same is hereby modified as follows:

Section I:

To modify Section 5 (A) and Section 5 (B) as it presently exists to read as follows:

- A.) All the applications for permits for new businesses shall be filed with the Police Jury and shall be accompanied by a cashier's check or money order in the proper amount payable to the Police Jury of Jackson Parish, Louisiana and a copy of the applicant's application for all appropriate state alcoholic beverage licenses.
- B.) All applicants for renewal of a license and permit shall be filed with the Police Jury's office on or before the first day of November of each year. The application for a renewal must be accompanied by a copy of the applicant's existing state alcoholic beverage licenses and a cashier's check or money order in the proper amount payable to the Police Jury of Jackson Parish.

Section II:

Except as herein modified all previously enacted provisions of the above referred to ordinance be and the same shall hereby remain unchanged.

Section III:

Should any portion, items, applications, or sections of this ordinance be held invalid by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions, items, applications, or

sections of this ordinance which can be given effect without the invalid provisions, items, applications, or sections and to this end the provisions of this ordinance are hereby declared severable.

Section IV:

This ordinance shall become effective immediately upon its adoption.

The above ordinance was read and as read, considered section by section and finally adopted as a whole by the following vote:

YEAS:	Mr. Goss, Mr. Langston, Mr. Hightower, Mr. Zeno, Ms. Monroe, Mr. Duck and Mr. Smith
NAYS:	None
ABSENT:	None
ABSTAINING:	None

WHEREUPON said Ordinance was declared adopted on this 13<sup>th</sup> day of December, 2010 at Jonesboro, Jackson Parish, Louisiana.

ATTEST:

/s/ Eddie Langston  
POLICE JURY PRESIDENT

/s/ Kenneth O. Pardue  
SECRETARY-TREASURER

CERTIFICATE

I, Kenneth O. Pardue, the undersigned Secretary of the Jackson Parish Police Jury declare that the above and foregoing is a true and correct copy of an ordinance adopted by the Jury at a regular meeting held on the 13<sup>th</sup> day of December, 2010 at which a quorum was present and voting.

Jonesboro, Louisiana, on this 13<sup>th</sup> day of December, 2010.

/s/ Kenneth O. Pardue  
Kenneth O. Pardue, Secretary

**ORDINANCE NO. 02-0511-2009**

**AMENDMENT TO JACKSON PARISH LIQUOR  
ORDINANCE ADOPTED OCTOBER 5, 1992 AS AMENDED IN ORDINANCES  
ADOPTED FEBRUARY 1, 1994 AND JUNE 7, 1999**

AN ORDINANCE OF THE JACKSON PARISH POLICE JURY AMENDING THE JACKSON PARISH ALCOHOLIC BEVERAGE ORDINANCES AS REFLECTED IN ORDINANCES ADOPTED ON OCTOBER 5, 1992, FEBRUARY 1, 1994 AND JUNE 7, 1999 REVISING THE PROCEDURE FOR THE ISSUANCE OF YEARLY LICENSES, PROVIDING FOR APPEALS FOR THE DENIAL OR ISSUANCE OF SAID LICENSES, AND PROVIDING FOR MATTERS RELATED THERETO.

WHEREAS the Jackson Parish Police Jury desires to amend its existing Alcoholic Beverage Ordinance s as to amend Section 5 of the portions of that Ordinance as it exists now which was adopted on October 5, 1992 so as to have that section provide that permits are to be issued by the Secretary-Treasurer of the Jackson Parish Police Jury subject to the review by the Jackson Parish Police Jury of such issuance or denial:

NOW, THEREFORE, BE IT ORDAINED by the Police Jury of Jackson Parish, in regular session, duly convened on the 11<sup>th</sup> day of May, 2009, that the Alcoholic Beverage Control Ordinance of the Jackson Parish Police Jury adopted on October 5, 1992, as amended on February 1, 1995 and June 7, 1999, be and is hereby modified as follows:

SECTION 1

To delete Section 5 of the Ordinance as it presently exists adopted on October 5, 1992 and to substitute therefore the following Section 5, to-wit:

“Section 5: (A) All the applications for the permits for new businesses shall be filed with the Police Jury and shall be accompanied by a cashier’s check or money order in the proper amount payable to the Police Jury of Jackson Parish, Louisiana.

(B) All applications for renewal of a license and permit shall be filed with the Police Jury’s office on or before the first day of November of each year and the remittance must accompany all applications. Immediately upon the filing of an application for a renewal or for the issuance of a new permit the Secretary-Treasurer shall request that the Sheriff of Jackson Parish conduct, at the expense of the Applicant, a criminal background check and communicate the

results of that criminal background check to the Secretary-Treasurer immediately.

(C) Upon receipt of any application for a new or for a renewal the Secretary-Treasurer shall place the matter upon the next regularly scheduled meeting of the Jackson Parish Police Jury for the purpose of allowing public comments on the application. The day following the meeting at which public comments are allowed on the application the Secretary-Treasurer shall review the application and the results of the criminal background check. The Secretary-Treasurer shall determine whether or not the applicant has complied with the provisions of this ordinance and is, as a result, entitled to the issuance or renewal of that license. The Secretary-Treasurer shall, within ten (10) days of deciding to issue or deny the license advise the applicant and the members of the Jackson Parish Police Jury of the decision. The Applicant or any member of the Jackson Parish Police Jury can file a written objection to the decision of the Secretary-Treasurer. The written objection must be filed with the Secretary-Treasurer of the Police Jury within five (5) days of being notified of the decision. If an objection is filed the Jackson Parish Police Jury shall, at its next regularly scheduled meeting, decide whether to affirm or reverse the decision of the Secretary-Treasurer to issue or deny the license. If the Secretary-Treasurer determines that a license should be issued and if no objection is timely filed the Secretary-Treasurer shall immediately issue the license. No license shall be issued until the period for an objection to the Secretary-Treasurer's decision has lapsed without the filing of an objection, or, if an objection is filed, the decision has been affirmed or reversed.

#### SECTION 2

Except as herein modified all previously enacted provisions of the above referred to Ordinance be and the same shall hereby remain unchanged.

#### SECTION 3

Should any portion, items, applications or sections of this ordinance be held invalid by a court of competent jurisdiction, such invalidity shall not effect the validity of the remaining portions, items, applications or sections of this ordinance which can be give effect without the invalid provisions, items, applications or sections and to this end the provisions of this ordinance are hereby declared severable.

#### SECTION 4

This ordinance shall become effective upon its adoption.

The above ordinance was read and as read, considered section by section and finally adopted as a whole by the following vote:

YEAS:

NAYS:

ABSENT:

ABSTAINING:

WHEREUPON said ordinance was declared adopted on this 11<sup>th</sup> day of May, 2009, at Jonesboro, Jackson Parish, Louisiana.

ATTEST:

\_\_\_\_\_  
POLICE JURY PRESIDENT

\_\_\_\_\_  
POLICE JURY SECRETARY

CERTIFICATE

I, Kenneth O. Pardue, the undersigned Secretary of the Jackson Parish Police Jury declare that the above and foregoing is a true and correct copy of a ordinance adopted by the Jury at a regular meeting held on the 11<sup>th</sup> day of May, 2009, at which a quorum was present and voting.

Jonesboro, Louisiana, on this 11th day of May, 2009.

\_\_\_\_\_  
KENNETH O. PARDUE, SECRETARY

JACKSON PARISH  
ALCOHOL BEVERAGE  
ORDINANCE

ADOPTED:  
OCTOBER 5, 1992

AMENDED:  
FEBRUARY 1, 1994  
JUNE 7, 1999

Motion Dr. Garrett seconded Mr. Pickens the following ordinance:

JACKSON PARISH POLICE JURY  
ALCOHOLIC BEVERAGES

AN ORDINANCE to levy a permit fee upon all persons, firms or corporations who may engage in the business of selling, within the Parish of Jackson, Louisiana, but lying outside of the corporate limits of any municipality situated therein, at retail or wholesale, beverages of low alcoholic content and beverages of high alcoholic content; fixing the time when said permit fee shall become due and when it shall become delinquent; providing for the enforcement of this Ordinance; providing for the regulation of all persons, firms, corporations or association of persons engaged in the sale of beverages of low and high alcoholic content at retail; providing penalties and revocation of permit for violation hereof; to fix the effective date of this ordinance; and to repeal all ordinances or parts of ordinances in conflict herewith.

BE IT ORDAINED by the Police Jury of Jackson Parish, Louisiana, in regular session duly convened, that the Police Jury of Jackson Parish, Louisiana hereby adopts Title 26 of the Louisiana Revised Statutes cited as the Alcoholic Beverage Control Law, except to the extent that the same is inconsistent with the other provisions of this ordinance.

BE IT FURTHER ORDAINED by the Police Jury of Jackson Parish, Louisiana, in regular session duly convened, that the Police Jury of Jackson Parish, Louisiana hereby enacts the following ordinance, to-wit:

SECTION 1

DEFINITIONS:

For the purposes of this ordinance the following terms have the respective meanings ascribed to them in this section:

1. Alcoholic beverage: 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, ciders or wine.

a. Beverages of low alcoholic content: Alcoholic beverages containing not more than six (6) percent alcohol by volume.

b. Beverages of high alcoholic content: Alcoholic beverages containing more than six (6) percent alcohol by volume.

2. Alcoholic beverage permit: A permit required by and issued pursuant to the provisions of this ordinance.

3. Retail dealer: Every person, other than a manufacturer or wholesale dealer, who offers for sale, exposes for sale, has in his possession for sale or distribution or sells alcoholic beverages in any quantity.

4. Wholesale dealer: Any person who sells alcoholic beverages to other licensed wholesale dealers or to licensed retail dealers.

5. Package house: A place where a person sells alcoholic beverages in closed containers, prepared for transportation and consumption off the premises.

6. Collector: The Collector of Revenue for Louisiana or his duly authorized agents.

7. Handle: To sell, use, distribute, store, consume or otherwise handle.

8. Bottle Club: Any establishment wherein the owner or any employee of the owner, does not sell, serve, handle, dispense or store alcoholic beverages, but in which patrons are allowed to consume alcoholic beverages on the premises from the patron's own store, stock or supplies of alcoholic beverages. Further, the establishment's principal commodity and main business transactions are related to alcoholic beverages.

9. Private Club: An organization with limited and restricted membership which is either:

a. non profit in nature and classified as tax exempt by all state and federal taxing authorities; or

b. 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.

10. Alcoholic beverage handling employee: 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, managers, dancers, maintenance men and floormen.

#### SECTION 2A

There is hereby levied an annual permit fee for each business location for the year 1992 and subsequent years against all persons, firms, corporations, etc., who may, during the year 1992 and subsequent years, engage in the business of selling, either retail or wholesale, in the Parish of Jackson, Louisiana, lying outside the corporate limits of any municipality situated therein, beverages of low alcoholic content, as follows, to-wit:

- |                                                     |                               |
|-----------------------------------------------------|-------------------------------|
| 1. Wholesale                                        | \$75.00                       |
| 2. Class A Retail Dealer (on premises consumption)  | \$47.00                       |
| 3. Class B Retail Dealer (off premises consumption) | <del>\$25.00</del><br>\$35.00 |

#### SECTION 2B

There is hereby levied an annual permit fee for each business location for the year 1992 and subsequent years against all persons, firms, corporations, etc., who may, during the year 1992 and subsequent years, engage in the business of selling, either retail or wholesale, or whose principal commodity and main business transactions are related to alcoholic beverages, in the Parish of Jackson, Louisiana, lying outside of the corporate limits of any municipality situated therein, beverages of high alcoholic content, as follows, to-wit:

- |                     |          |
|---------------------|----------|
| 1. Wholesale Dealer | \$500.00 |
| 2. Retail Dealer    | \$500.00 |
| 3. Bottle Club      | \$500.00 |
| 4. Private Club     | \$500.00 |

#### SECTION 3

A. Except as provided in Section B of this section, before engaging in the business of dealing in alcoholic beverages, all persons shall obtain, as set forth in this ordinance, an annual permit to conduct each separate business.

B. Any person not otherwise a dealer in alcoholic beverages commencing into possession of any alcoholic beverages as executor, administrator, trustee or other fiduciary, as security for or in payment of a debt, or as an insurer, or its transferee or assignee for the salvage or liquidation of an insured damage or loss may sell the beverages in one lot or parcel to a duly licensed wholesale or retail dealer without qualifying as a dealer. Before doing so that person shall fully comply with the requirements of Louisiana Revised Statute 26:71(B).

C. No person shall do any acts for which a permit is required by this ordinance unless he holds the proper State and

local permits. Each day's business by a wholesaler or retailer without such a valid, unsuspended permit constitutes a separate violation of this ordinance.

#### SECTION 4

Permits issued under this ordinance are not assignable or heritable and are good only from the time of issuance to December 31st of the year for which issued, unless sooner suspended or revoked.

Where the location of the business is changed, the change shall be noted on the permit by issuing authority.

#### SECTION 5

All the applications for the permits for new businesses shall be filed with the Police Jury and shall be accompanied by a cashier's check or money order in the proper amount payable to the Police Jury of Jackson Parish, Louisiana.

All applications for renewal of a license and permit shall be filed with the Police Jury's office on or before the first day of November each year and the remittance must accompany all applications.

#### SECTION 6

In the event a business shall commence prior to July 1 of any year, a whole year's permit fee shall be paid and collected and if said business shall commence subsequent to July 1 of any year two-thirds ( $2/3$ ) of the annual permit fee shall be paid and collected.

#### SECTION 7

Should any retail dealer or wholesale dealer fail to file his application for renewal of the permit for any ensuing year on or before the first day of November of each year, a penalty shall be imposed of twenty-five (25) percent of the amount due for the permit applied for. If the application for the renewal of a permit is not filed until, on or after January 1 of the year for which the permit is required, the application shall be denied without notice or hearing and the applicant's right to do business suspended.

#### SECTION 8

A. Applicants for state and local permits of all kinds shall meet the following qualifications and conditions:

1. Is a person of good character and reputation and over eighteen (18) years of age.

2. Is a citizen of the United States and of the State of Louisiana and a resident of the State of Louisiana continuously for a period of not less than two (2) years next preceding the date of the filing of the application.

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.

5. Has not been convicted in this or any other state or by the United States of soliciting for prostitution, pandering, letting premises for prostitution, contributing to the delinquency of juveniles, keeping a disorderly place or illegal dealing in narcotics.

6. Has not had a revoked license or permit to sell or deal in alcoholic beverages issued by the United States or any other state for five (5) years prior to application, or been convicted or had judgment against him involving alcoholic beverages by this state or any other state or the United States for five (5) years prior to the application.

7. Has not been convicted of violating any of the provisions of the state laws regulating the sale of alcoholic beverages.

8. Has not been convicted of violation of the provisions of this ordinance. In such case, the granting or denial of a permit is within the discretion of the Police Jury.

9. Is not the spouse of a person whose application has been denied or whose permit has been revoked, unless judicially separated or divorced.

B. If the applicant is a partnership or anyone in partnership with or financed by another, all members of the partnership or all persons furnishing the money shall also possess all the qualifications required by the applicant. The application shall name all partners or financial backers and furnish their proper addresses.

If the applicant is a corporation, all officers and directors and all stockholders owning in the aggregate more than five (5) percent of the stock and the person or persons who shall conduct or manage the business shall possess the qualifications required of an applicant. However, the requirement as to residency does not apply to officers, directors and stockholders of corporations.

If the applicant's 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.

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

#### SECTION 9

##### Sale near schools, churches, etc.:

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 five hundred (500) feet or less distance of a building occupied exclusively as a bona fide church, synagogue, public library, public playground or school, (except a school for business education as a business college or school) or any Head Start or other state or federally financed learning center for the pre-kindergarten education of children. The five hundred (500) feet shall be interpreted to mean as a person walks using sidewalks from the nearest point of the property line of the church, synagogue, public playground, public library, school or learning center to the nearest point of the premises for which an alcoholic beverage permit is sought, as described in the application for the permit.

#### SECTION 10

##### Purchase by or for minors:

A. It shall be unlawful for any person under the age of eighteen (18) to purchase any alcoholic beverage, either high or low alcoholic content.

B. It shall be unlawful for any person under age seventeen (17) to purchase any alcoholic beverage, either of high or low alcoholic content. Whoever is charged with violation of this subsection shall be remanded to the juvenile court for hearing and disposition of the case.

C. It shall be unlawful for any adult to purchase, on behalf of any person under the age of eighteen (18), any alcoholic beverage, either of high or low alcoholic content.

D. Nothing in this section shall be construed as relieving any retail dealer in alcoholic beverages, either of high or low alcoholic content, of any of the responsibilities imposed on him under the provisions of this ordinance or under the provisions of Title 26 of the Louisiana Revised Statutes, as amended.

#### SECTION 11A

##### Sign required relative to sales to minors:

Each and every place or establishment where alcoholic beverages are sold or dispensed in the parish at retail, or otherwise, 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 eighteen (18) years of age. Such sign shall be not less than two (2) feet long and one foot wide, in prominent letters sharply contrasting in color with the background of the sign.

#### SECTION 11B

##### Signs required relative to firearms and controlled dangerous substances:

Each and every place or establishment where alcoholic beverages are sold or dispensed in the parish at retail, or otherwise, shall have a sign displayed in a prominent place near the entrance, clearly visible to all, stating the fact that upon entering the premises a person shall be deemed to have consented to a reasonable search of his person by law enforcement for any firearm. The sign should also include a statement that no controlled dangerous substances are allowed upon the premises.

#### SECTION 12A

##### Hours of operation of retail and wholesale dealers:

A. It shall be unlawful for any retail or wholesale dealer to sell or otherwise dispense of 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 midnight and 6:00 A.M. on week days and between the hours of midnight on Saturday until 6:00 A.M. the following Monday.

B. In any establishment or part hereof 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 12:01 A.M. and all doors to such premises will be locked. 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 parish limits at such times and places when and where such sales are prohibited.

#### SECTION 12B

A. It shall be unlawful for any bottle club to permit or admit any member of the public into an establishment or part thereof, between the hours of 12:01 A.M. and 6:00 A.M. on week days and between the hours of 12:01 A.M. on Sunday until 6:00

A.M. the following Monday.

B. In any bottle club the permit holder shall remove all patrons and members of the public from the premises by 12:01 A.M. and all doors to such premises will be locked. 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.

Section 12C  
/07/99.

#### SECTION 13

##### Sunday sales:

It shall be unlawful for any retail or wholesale dealer to sell, barter, give or otherwise dispense alcoholic beverages of high or low alcoholic content between the hours of midnight Saturday until 6:00 A.M. the following Monday.

#### SECTION 14

##### 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.

#### SECTION 15

##### Refusal to allow inspection:

It shall be unlawful for any person to refuse to allow the law enforcement authorities of the parish 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 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.

SECTION 16

Acts prohibited on licensed premises; suspension or revocation of alcoholic beverage permits:

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

1. Sell or serve alcoholic beverages to any person under the age of eighteen (18) years, unless such person submits a driver's license, selective service card or other lawful identification which, on its face, establishes the age of the person as eighteen (18) years or older and there is no reason to doubt the authenticity or correctness of the identification.
2. Sell or serve alcoholic beverages to any intoxicated person.
3. Intentionally entice, aid or permit any person under the age of eighteen (18) years to visit or loiter in or about any place where alcoholic beverages are principal commodities sold, handled or given away.
4. Permit any prostitute to frequent the licensed premises, or to solicit patrons for prostitution on the licensed premises.
5. Permit any disturbance of the peace, or obscenity, or any lewd, immoral or improper entertainment, conduct or practices, or any violations of Louisiana Revised Statutes Title 40, et. seq. of the Controlled Dangerous Substance Laws of Louisiana on the licensed premises. Acts, attire, visual displays or conduct on licensed premises in violation of this section are deemed to constitute lewd, immoral or improper entertainment as prohibited by this section and therefore no on-sale permit for beverages of high or low alcoholic content shall be held at any premises where such conduct and acts are permitted.
6. 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 this permit.
7. Intentionally conduct illegal gambling, as defined by law, on the premises described in the application for the permit.
8. Engage in the practice, employ or permit females, commonly known as "B" girls, to solicit patrons for drinks and to accept drinks from patrons and receive therefor any commission or any remuneration in any other way.

9. Employ anyone under eighteen (18) years of age when the sale of alcoholic beverages constitutes the main business. If alcoholic beverages do not constitute the main business, an employee under eighteen (18) years of age shall not handle or work with alcoholic beverages.
10. Allow the sale, dispensing or distribution of beverages of low alcoholic content in any type of automatic mechanical vending machine activated by the use of a coin, token or similar instrument. The provisions of this paragraph shall not apply to establishments exempt from holding permits under this chapter.
11. Permit the playing of pool or billiards by any person under eighteen (18) years of age or permit such a person to frequent the licensed premises operating a pool or billiard hall.
12. Illegally sell, offer for sale, possess or permit the consumption on or about the licensed premises of any kind or type of narcotics or habit-forming drugs as described in Louisiana Revised Statutes Title 40, et. seq. of the Controlled Dangerous Substances Laws of Louisiana.
13. Accept food stamp coupons as payment for alcoholic beverages.
14. Permit or allow any alcoholic beverage handling employee, as defined in Section 1 and Section 19 of this ordinance, 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.
15. Fail to keep the premises clean and sanitary.
16. Permit or allow alcoholic beverage employee to work without a valid alcoholic beverage handling (ABO) card.
17. Permit gambling, except as authorized by state or federal law, 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.
18. Violate the closing requirements set forth in Section 12 of this ordinance. A criminal conviction is not required.
19. Fail to report any criminal activity on the premises.



either felony or misdemeanor.

B. 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.

C. Violation of this section is punishable as provided in R. S. 26:521 and is also sufficient cause for the suspension or revocation of a permit.

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

#### SECTION 17

##### Additional causes for suspension or revocation of permits:

In addition to any other causes enumerated in this Ordinance the Police Jury may suspend or revoke any permit for any of the following causes:

1. If there was any misstatement or suppression of fact in the application for the permit.
2. If the permit was granted to any person who is or has been engaged in an alcoholic beverage business with a person whose application for a permit has been denied or whose permit has been revoked.
3. If the permittee has been found guilty by any court of competent jurisdiction, of any of the following offenses:
  - a. Violation of the Sunday closing law;
  - b. Violation of any municipal or parish or other ordinance providing for Sunday closing hours; and
  - c. Violation of any municipal or parish ordinance relating to beverages of low alcoholic content enacted pursuant to the authorization of Title 26 of Louisiana Revised Statutes, as amended.
4. If any retail dealer fails to pay excise taxes and/or sales taxes due by any regulated business to the state or to any parish or municipality.
5. If the applicant, or any 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.

6. If the permit was issued to an interposed person in contravention of R. S. 26:81.

7. 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.

8. If any dealer or any applicant violates or has violated any provisions of Revised Statute Title 26, as amended, or this ordinance.

#### SECTION 18

#### Penalties, revocation or suspension procedure:

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 Police Jury thereafter votes for such suspension or revocation.

Violations of this ordinance are considered misdemeanor crimes and upon conviction, the offender shall be fined not more than five hundred dollars, imprisoned in the parish jail for not more than six months, or both. Violations may also result in the revocation or suspension of the alcoholic beverage permit.

ated:  
tion 19  
01, 1994

#### SECTION 19

#### ALCOHOLIC BEVERAGE HANDLING EMPLOYEE CARD

##### A. Required

Every alcoholic beverage permit holder and 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. Responsibilities of alcoholic beverage permittees

It shall be unlawful for any alcoholic beverage permit holder to allow any alcoholic beverage handling employee, including, but not limited to, waiters, waitresses, barmaids, bartenders, managers, dancers, maintenance men and floormen 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 handling employee card issued under authority of this section.

##### C. Qualifications of applicant

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

1. Must be a person of good character and reputation and eighteen (18) years of age or older.
2. Must not have been convicted of a felony under the laws of the United States, Louisiana or any other state or country.
3. Has not been convicted of prostitution, soliciting for prostitution, pandering, letting premises for prostitution, B-drinking as described in this ordinance, contributing to the delinquency of juveniles, keeping a disorderly place, letting a disorderly place, illegally dealing in narcotics or any violation of the Controlled Dangerous Substance Statute.
4. Must not have been convicted of violating any of the provisions of this ordinance.
5. Must not have had his alcoholic beverage handling employee card revoked within two (2) years next preceding the application.
6. 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 sheriff or his designee.
7. Has not committed any obscene, lewd or immoral act on any premises licensed under this ordinance. A conviction is not required.
8. The applicant must truthfully answer all questions on the application. A material mis-statement or suppression of fact in the application or accompanying affidavit is grounds for denial of an alcoholic beverage handling permit.
9. The applicant will swear or affirm that he or she has read the application and all of the information is true and correct and that any material mis-statement or suppression of a fact in the application and its attachment, in addition to being a criminal offense, is grounds for denial of a permit to handle alcoholic beverages.

If the applicant for a card does not possess the required qualifications, the permit shall be denied.

D. Issuance or denial

The sheriff 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 he may deny the application. Emergency applications, valid for 24 hours, may be approved verbally on a temporary basis by the

sheriff or his designee.

E. Contents; fees

A card issued pursuant to this section shall contain the picture and fingerprints of the person to whom it is issued. A fee of twenty-five (\$25.00) shall be paid to the Jackson Parish Sheriff's Department for the issuance of each card.

F. Term

All alcoholic beverage handling employee cards shall be for a term of one year and shall expire on the anniversary of the date issued. All applications for renewal may be made within thirty (30) days of the expiration of the old card. Renewal fee is twenty-five (\$25.00) payable to the Jackson Parish Sheriff's Department.

G. 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 Jackson Parish Sheriff's Department 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 Jackson Parish Sheriff's Department and shall make the list available for inspection when requested by the Sheriff's Department. Each employee card holder shall, upon request, submit said alcohol beverage handling card to the Jackson Parish Sheriff's Department for inspection. Violation of this section is punishable by suspension or revocation of the alcoholic beverage permit holder's license by the Police Jury.

H. Suspension or revocation and penalty

1. An alcoholic beverage handling employee card may be suspended or revoked by the sheriff or his designee if, at any time, the holder thereof fails to meet the qualifications prescribed by Section 19, if he violates any provision of this ordinance or if he makes any mis-statement of fact or suppresses any pertinent information on his application.

2. 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 sheriff or his designee. Such notice shall inform the card holder of the reason for which the sheriff proposes to suspend or revoke the card and shall inform the card holder that, unless a hearing is requested within five (5) days from the date the notice is sent, the sheriff will suspend or revoke the card.

Such notice shall be delivered either personally to the card holder or shall be sent by certified mail to the card holder's address given on his application for a card. In the event a hearing is not requested within ten (10) days of the date such notice is sent, the sheriff 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 sheriff shall inform the card holder of the date of such hearing, which hearing shall be held within ten (10) days of the date of the receipt of the request for a hearing.

3. Violations of Section 19 of this ordinance are considered misdemeanor crimes and, upon conviction, the offender shall be fined not more than five hundred dollars (\$500.00), imprisoned in the parish jail for not more than six months, or both. Violations may also result in the revocation or suspension of the alcoholic beverage handling employee card.

I. Same--Appeal

The holder of an alcoholic beverage handling employee card who feels aggrieved by a decision of the sheriff in suspending or revoking such a card may, within ten (10) days of the notification of the decision of the sheriff, appeal to the Police Jury. The decision of the sheriff shall be affirmed, unless a majority of the Police Jury, at a hearing on such appeal, votes to overrule or modify such action.

SECTION 20  
TRANSITION PROVISIONS

Any permit required under Section 2A or 2B of this ordinance in effect at the time of the adoption of this ordinance shall constitute a permit as required by said section until January 1, 1993, unless suspended under the other provisions hereof.

SECTION 21  
SEVERABILITY AND EFFECTIVE DATE

This ordinance shall be effective immediately upon its adoption. Should any portions, items, applications or sections of this ordinance be held invalid, such invalidity shall not affect the validity of the remaining portions, items, applications or sections of this ordinance which can be given effect without the invalid provisions, items, applications or sections and to this end the provisions of this ordinance are hereby declared severable.

The above ordinance was read and as read, considered section by section and finally adopted as a whole, by the following vote:

YEAS: Unanimous            NAYS: None            ABSENT: None

WHEREUPON said ordinance was declared adopted on this 5th day of October, 1992 at Jonesboro, Jackson Parish, Louisiana.

February 1, 1994  
Jonesboro, LA

The Jackson Parish Police Jury met in regular session on Tuesday, February 1, 1994, with the following members present: Mrs. Shirley Walsworth, Ernest Conn, David McManus, Nathaniel Zeno, Jr., Leslie Thompson, Dr. Charles Garrett, and Troy L. Smith. Also present: Douglas Stokes, Assistant District Attorney.

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Motion Mr. Conn seconded Mr. McManus to adopt the following amendment to the Jackson Parish Police Jury Alcoholic Beverage Ordinance.

AN ORDINANCE AMENDING THE JACKSON PARISH POLICE JURY ALCOHOLIC BEVERAGE ORDINANCE ADOPTED OCTOBER 5, 1992 BY DELETING THEREFROM THE DEFINITION OF ALCOHOLIC BEVERAGE HANDLER AND DELETING SECTION 19 THEREOF RELATING TO REQUIREMENT FOR AN ALCOHOLIC BEVERAGE HANDLING EMPLOYEE CARD AND PROVIDING FOR MATTERS RELATED THERETO.

BE IT ORDAINED by the Police Jury of Jackson Parish, Louisiana, in regular session, duly convened, that the Jackson Parish Police Jury Alcoholic Beverage Ordinance adopted October 5, 1992 be and the same is hereby amended so as to delete therefrom Section 1 and Section 19 in their entireties.

BE IT FURTHER ORDAINED that except as modified herein the Jackson Parish Police Jury Alcoholic Beverage Ordinance adopted on October 5, 1992 shall remain unchanged.

BE IT FURTHER ORDAINED that this ordinance shall be effective January 1, 1995. Should any provision, item or section of this ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items, applications or sections of this ordinance which can be given effect without the invalid provisions, items, applications or sections and to this end the provisions of this ordinance are hereby declared severable.

The above ordinance was read and as read, considered section by section and finally adopted as a whole, by the following vote: Motion unanimously carried.

June 7, 1999  
Jonesboro, La.

The Jackson Parish Police Jury met in regular session on June 7, 1999, at 6 PM, in the Police Jury meeting room on the third floor of the Jackson Parish Court House with the following members present: Charles Pyles, Ernest Conn, David McManus, Nathaniel Zeno, Jr., Leslie Thompson, Dr. Charles Garrett, and Troy Smith. Also attending the meeting Mr. Doug Stokes Assistant District Attorney.

=====

Mr. Thompson went on record to express his disapproval of the proposed Liquor Ordinance Amendment with a prepared statement.

Motion Mr. Conn seconded Mr. Smith to accept the Liquor Ordinance Amendment. Motion carried with one nay. The one nay being Mr. Thompson.

#### ORDINANCE

An ordinance to amend the provisions of the Jackson Parish alcohol beverage ordinance adopted October 5, 1992 as amended of February 1, 1994 by adding thereto Section 12B ( C) regulating private clubs and/or Individuals allowing non-members or the general public entry onto the premises upon the payment of a fee and providing for other matters related thereto.

#### SECTION I

BE IT ORDAINED by the Police Jury of the Parish of Jackson, State of Louisiana, in regular session, duly convened, that the Jackson Parish alcohol beverage ordinance adopted on October 5, 1992 and amended on February 1, 1994 be and is hereby amended to add thereto a Section 12B ( C) providing as follows:

C. Private Clubs and/or individuals who allow non-members or the general public entry on or into the premises and who charge a fee or Something of value for entry on or into the premises shall be subject to the same operating guidelines as established herein for bottle clubs in Section 12B (A) and 12B (B).

#### SECTION II

Severability is intended throughout and within the provisions of this ordinance. If any provision, including any section, exception, part, phrase or term, or the application thereof is held invalid, the application to other persons or circumstances shall not be affected thereby and the validity of this ordinance in any and all other respects shall not be affected thereby. If any phrase, clause, word or other portion of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, the invalidity shall be limited to that portion of the ordinance.

All ordinances or parts of ordinances in conflict herewith are repealed as of the effective date of this ordinance.

The above ordinance was read and as read considered section by section and finally approved as a whole by the following vote: 6 yeas, 1 nay.

WHEREUPON said ordinance was declared adopted this seventh day of June, 1999 at Jonesboro, Jackson Parish, Louisiana.



August 2, 1994  
Jonesboro, LA

The Jackson Parish Police Jury met in regular session on Tuesday, August 2, 1994, with the following members present: Mrs. Shirley Walsworth, Ernest Conn, David McManus, Nathaniel Zeno, Jr., Leslie Thompson, Dr. Charles Garrett, and Troy L. Smith. Also present: Douglas Stokes, Assistant District Attorney.

The meeting was called to order by the President. Mrs. Walsworth gave the invocation and Mr. Conn led the Pledge of Allegiance.

Motion Mrs. Walsworth seconded Mr. Conn to amend the agenda to add Mr. Roy Nomey, Chairman of Jackson Parish Communications District. Motion carried.

Mr. Ben Marshall, Ouachita Parish Police Jury, came before the Jury to discuss his candidacy for U. S. Representative.

Mr. J. H. Bryd came before the Jury to discuss the liquor situation in the parish.

Mr. Roy Nomey, Chairman of the Jackson Parish Communications District, came before the Jury to discuss the E911 system. He asked that the Jury provide assistance in the following ways:

1. Insure that new road name signs are in place and old signs with numbers and/or names are removed.
2. Publicize the ordinance passed in July, 1993 requiring house numbers for all structures in the parish.
3. If not already accomplished, set an example with house numbers on Jury owned structures and Jury member's businesses and residences.
4. Encourage constituents to comply with the house number ordinance, emphasizing the that person with the emergency benefits the most.

Motion Mr. Smith seconded Mr. Zeno to approve the bills for payment and the minutes as published. Motion carried

Motion Mr. McManus seconded Mr. Thompson for the Road Department to remove all "Old Parish Road Number Signs" from the Parish Road System. The Superintendent shall check all "Road Name Signs" and make sure that the post are properly installed in the ground and all signs are properly installed. Motion carried.

Mr. Conn gave the Solid Waste Committee report.

Motion Mr. Conn seconded Mr. McManus to accept the Solid Waste Committee report which included the following:

The Jury will remove all containers located behind fences and make these containers available to the public.

Motion carried.

Motion Mr. Smith seconded Dr. Garrett to place containers at Union School and Hodge School. Motion carried.

Motion Mr. McManus seconded Mr. Conn to allow the City of Winnfield to dump wood waste materials in the Jackson Parish Debris landfill for a period not to exceed 90 days. The City will be charged \$10.00 per ton. Motion carried.

Motion Mr. McManus seconded Mr. Zeno to pay the expired medical examiner's certificate fine of \$75.00. The Jury will pay up to \$50.00 on the medical examiner's certificate for each employee on a reimbursement basis. Motion carried.

Mr. Ron Riley, Parish Engineer, came before the Jury to discuss the solid waste system.

Motion Mrs. Walsworth seconded Mr. Smith to accept the report from Mr. Gary Joiner, Precision Cartographics, detailing the population of the NEW Police Jury Wards calculated from the OLD Police Jury Wards:

New Police Jury Ward 1 is composed of individuals from the following Old Police Jury Wards:

Ward 1	
Ward 2	1271
Ward 8	341
TOTAL	670
	2282

New Police Jury Ward 2 is composed of individuals from the following Old Police Jury Wards:

Ward 2	
Ward 3	1134
Ward 4	145
TOTAL	862
	2141

New Police Jury Ward 3 is composed of individuals from the following Old Police Jury Wards:

Ward 2	
Ward 3	20
Ward 4	1299
Ward 5	793
TOTAL	21
	2133

New Police Jury Ward 4 is composed of individuals from the following Old Police Jury Wards:

Ward 1	
Ward 2	64
Ward 4	320
Ward 5	97
Ward 8	39
Ward 9	163
Ward 10	752 (East Hodge 427)
TOTAL	722
	2157

New Police Jury Ward 5 is composed of individuals from the following Old Police Jury Wards:

Ward 5	
Ward 6	571
Ward 9	98
Ward 10	436
TOTAL	1212
	2317

New Police Jury Ward 6 is composed of individuals from the following Old Police Jury Wards:

Ward 4	
Ward 5	240
Ward 6	369
Ward 7	1302
TOTAL	420
	2331

New Police Jury Ward 7 is composed of individuals from the following Old Police Jury Ward:

Ward 7	
Ward 8	1103
Ward 9	1163
TOTAL	49
	2315

Motion carried.

#### RESOLUTION

WHEREAS the Jackson Parish Police Jury did, in it's most recently adopted reapportionment plan reduce the number of Police Jurors and Police Jury Wards from ten (10) to seven (7); and

WHEREAS at the time that the reapportionment plan was adopted there were in effect certain ordinances with reference to the sale and consumption of alcoholic beverages with certain of the wards; and

WHEREAS the reapportionment plan had the effect of merging certain of the old Police Jury Wards into certain other Wards thereby causing the districts merged into other

wards to take on the alcoholic beverage sales characteristics of the wards into which they were merged; and

WHEREAS a great deal of confusion has arisen as to the present characteristics of each of the seven (7) existing Police Jury Wards insofar as the sale of alcoholic beverages is concerned; and

WHEREAS, in order to forever put to rest such confusion, the Jackson Parish Police Jury retained Mr. Gary Joiner, d/b/a Precision Cartographics, to compare the existing seven (7) wards with the prior ten (10) wards to determine what wards were merged into what wards (on the basis of population) by the recently adopted reapportionment plan; and

WHEREAS Mr. Gary Joiner has tendered to the Jackson Parish Police Jury his report, which report has been received and approved by the Jury;

BE IT RESOLVED that the report of Gary Joiner tendered to the Jackson Parish Police Jury on August 2, 1994 be and the same is hereby approved.

BE IT FURTHER RESOLVED, that for the purposes of the sale of alcoholic beverages, the existing Police Jury Wards be and are hereby declared to be as follows, to-wit:

WARD ONE	DRY
WARD TWO	WET
WARD THREE	DRY
WARD FOUR	WET
WARD FIVE	WET
WARD SIX	DRY
WARD SEVEN	DRY

based upon the analysis of what wards were merged into what wards.

BE IT FURTHER RESOLVED that this declaration will take effect immediately except insofar as it affects existing permit holders, existing permit holders being defined herein as those individuals, partnerships or corporations presently licensed to sell (by package or otherwise) beverages of alcoholic content.

BE IT FINALLY RESOLVED that all existing permit holders whose sales characteristics are affected by this resolution shall be notified of the adoption of this resolution by mail, shall be permitted to operate under their existing permit until December 31, 1994 but that further permits not in accordance with the declarations contained in this resolution SHALL NOT be issued in the future.

Upon motion made by Mrs. Walsworth seconded by Mr. Smith the above and foregoing resolution was introduced for adoption and was acted on this the 2nd day of August, 1994. Those voting were:

YEAS: Mrs. Walsworth, Mr. Conn, Mr. McManus, Mr. Zeno, Mr. Thompson, Dr. Garrett, Mr. Smith.

NAYS: None

ABSENT: None

WHEREUPON said resolution was declared adopted on this the 2nd day of August, 1994.

Motion Mr. Smith seconded Mr. Thompson to pay the contractor \$52,253.99 on the health unit project as recommended by the architect. Motion carried.

Motion Mrs. Walsworth seconded Mr. Smith to authorize the president to sign application/documents relating to the Jury's insurance with the Louisiana Rural Parish Insurance Cooperative. Motion carried.

Motion Mr. Smith seconded Mrs. Walsworth to authorize the president to sign the renewal for the Jury's hospitalization/dental program. Motion carried.

September 4, 2007  
OPINION 07-0052

Honorable Andy Brown  
Sheriff, Jackson Parish  
500 East Court Street, Room 100  
Jonesboro, LA 71251

55-C- INTOXICATING LIQUOR

R.S. 33:1236

Police jury may regulate the operating hours of any place of public entertainment, including "bottle clubs".

Dear Sheriff Brown:

In recent correspondence to this office you express concern regarding the potential unlawful operation of a club known as the "End Zone Club" in Jackson Parish. You relate certain facts regarding the operation of this club, which we requote from your letter:

- 1) A certain establishment in Jackson Parish known as the End Zone Club operates at least four nights every week after 12:01 a.m. and normally closes at 4:00 a.m.
- 2) The owner of this establishment operates without any type of permit or license from the police jury or state.
- 3) Large crowds gather at this club and are allowed to bring and consume alcoholic beverages in the parking lot.
- 4) This club has been in existence for several years and its main activity is to allow people to gather after hours when all other licensed establishments that allow consumption or the sale of alcohol have closed.
- 5) Primarily this club sponsors a disk jockey for entertainment. No money is collected at the door of this club for admission. No dues are collected for any type of membership to this club.
- 6) It is believed that admission tickets are sold out of parish and only tickets for admission are collected before entering the club.

A "bottle club" is defined in the Jackson Parish Alcohol Beverage Ordinance, Section 1, part 8, providing:

8. Bottle Club: Any establishment wherein the owner or any employee of the owner, does not sell, serve, handle, dispense or store alcoholic beverages, but in which patrons are allowed to consume alcoholic beverages on the premises from the patron's own store, stock or supplies of alcoholic beverages. Further, the establishment's principal commodity and main business transactions are related to alcoholic beverages.

9. Private Club: An organization with limited and restricted membership which is either: a. non-profit in nature and classified as tax exempt by all state and federal taxing authorities; or b. 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.

Pursuant to the Jackson Parish Alcohol Beverage Ordinance, both a "bottle club" and a "private club" must obtain the proper local and state permits as required in Section 2B and Section 3 of that ordinance, which states in pertinent part:

Section 2B

There is hereby levied an annual permit fee for each business location for the year 1992 and subsequent years against all persons, firms, corporation, etc., who may, during the year 1992 and subsequent years, engage in the business of selling, either retail or wholesale, or whose principal commodity and main business transactions are related to alcoholic beverages, in the Parish of Jackson, Louisiana, lying outside of the corporate limits of any municipality situated therein, beverages of high alcoholic content, as follows, to-wit:

Wholesale Dealer	\$500.00
Retail Dealer	\$500.00
Bottle Club	\$500.00
Private Club	\$500.00

Section 3

A. Except as provided in Section B of this section, before engaging in the business of dealing in alcoholic beverages, all persons shall obtain, as set forth in this ordinance, an annual permit to conduct each separate business.

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C. No person shall do any acts for which a permit is required by this ordinance unless he holds the proper state and local permits. Each day's business by a wholesaler or retailer without such a valid, unsuspended permit constitutes a separate violation of this ordinance.

Both "private clubs" and "bottle clubs" in Jackson Parish must conduct hours of business as provided by Sections 12B(A) and 12B(B) of the parish ordinance, stating:

Section 12B

A. It shall be unlawful for any bottle club to permit or admit any member of the public into an establishment or part thereof, between the hours of 12:01 a.m. and 6:00 a.m. on week days and between the hours of 12:01 a.m. on Sunday until 6:00 a.m. on the following Monday.

B. In any bottle club the permit holder shall remove all patrons and members of the public from the premises by 12:01 a.m. and all doors to such premises will be locked. 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. Private clubs and/or individuals who allow non-members or the general public entry on or into the premises and who charge a fee or something of value for entry on or into the premises shall be subject to the same operating guidelines as established herein for bottle clubs in Section 12B(A) or 12B(B).

From the facts related, it appears the End Zone Club is a "bottle club" unlawfully operating after hours without proper state and local permits. A business which operates in violation of the parish alcoholic beverage ordinance and the state alcohol beverage control laws presents an immediate situation ripe for inspection by local and state officials; otherwise, there exists potential liability by the parish. See for example, the case of Adams vs. Traina, 830 So. 2d. 526 (La. App. 2<sup>nd</sup> Cir. 2002) where a patron sued the town after being shot during an altercation in the parking lot of a bottle club. The town was sued for negligent inspection and negligent licensing of the bottle club as a cause-in-fact of the patron's injury.

Further, please find attached Attorney General Opinion 91-444, in which this office concluded that the Rapides Parish Police Jury may regulate the operating hours of any business that provides public entertainment. In that opinion, the "bottle club" opened at 12:00 midnight and closed at 6:00 a.m. The club allowed

dancing, billiard, and other public entertainment. While the club owner did not have a liquor license and did not sell alcoholic beverages, he did allow members of the public to bring and consume alcoholic beverages on the premises. The author cited R.S. 33:1236 providing for the powers of police juries and specifically subsection (6) therein:

1236. Powers of parish governing authorities

The police juries and other parish governing authorities shall have the following powers:

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(6) To regulate the policing of taverns and houses of public entertainment and shops for retailing liquors in their respective parishes, and to impose whatever parish tax they may see fit on all keepers of billiard tables and grog shops and on all hawkers, peddlers and trading boats.

We affirm the conclusion of Opinion 91-444 and determine that the End Zone Club can be regulated by the local authorities.

Very truly yours,

CHARLES C. FOTI, JR.  
ATTORNEY GENERAL

BY:

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KERRY L. KILPATICK  
ASSISTANT ATTORNEY GENERAL

KLK:arg

Honorable Andy Brown  
OPINION 07-0052  
Page 5

SYLLABUS

OPINION 07-0052

55-C- INTOXICATING LIQUOR

R.S. 33:1236

Police jury may regulate the operating hours of any place of public entertainment, including "bottle clubs".

Honorable Andy Brown  
Sheriff, Jackson Parish  
500 East Court Street, Room 100  
Jonesboro, LA 71251

Date Received:

Date Released: September 4, 2007

KERRY L. KILPATRICK  
ASSISTANT ATTORNEY GENERAL