

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 5172

ORDINANCE COUNCIL SERIES NO: _____

COUNCIL SPONSOR: MR. GOULD

PROVIDED BY: COUNCIL ATTORNEY

INTRODUCED BY: MR. GOULD

SECONDED BY: MR. STEFANCIK

ON THE 3 DAY OF APRIL, 2014

ORDINANCE TO AMEND AND REENACT SECTION 3-164.00
LOCATION RESTRICTIONS OF THE ALCOHOLIC BEVERAGE
REGULATIONS UNDER ARTICLE VII ALL WARDS.

WHEREAS, it is necessary to amend the location restrictions of the alcoholic beverage regulations of the St. Tammany Parish Code of Ordinances, particularly Section 3-164.00 of Article VII, in order to promote, protect and preserve the general welfare, safety, health, peace and good order of the parish.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS: that Section 3-164.00 of Article VII of the St. Tammany Parish Code of Ordinances, Permit Provisions Applicable to Articles VI & VII, is hereby amended to provide as follows, to-wit:

ARTICLE VII ALL WARDS

SEC. 3-164.00 Location Restrictions

A. No permit required by the provisions of this Article shall be granted for any premises situated within five hundred feet (500 ft.) or less distance of a public playground, a building occupied exclusively as a church, or synagogue, public library, ~~public playground~~, full-time day care center, correctional facility housing inmates, including but not limited to halfway houses, or school, except a school for business education conducted as a business college or school. The measurement to be taken shall be as a person walks using the sidewalk from the nearest point of the property line of the church or synagogue, public library, public playground, full-time day care center, correctional facility housing inmates, including but not limited to halfway houses, or school to the nearest point of the premises to be licensed as described in the application, provided, however that these restrictions shall not apply to any premises which are maintained as a bona fide hotel, railway car, or fraternal organization. In undeveloped rural areas, the distance shall be measured in a straight line from the nearest point to the nearest point of the respective premises or grounds. The restrictions contained in this section do not apply to a premises which are maintained as a bona fide hotel, railroad car, fraternal organization, nor to any premises which were licensed to deal in alcoholic beverages for a period of one year prior to January 21, 1943.

(1) For purposes of determining the method of measurement under the provisions of this Section, undeveloped rural areas are those areas of unincorporated St. Tammany Parish situated north of the Urban Growth Boundary Line.

B. Except with the written consent provided for in paragraph (1) herein below, no permit required by the provisions of this Article shall be granted for any facility selling alcoholic beverages in open containers for consumption on premises that is situated on property located adjacent to residentially zoned property or where the facility selling alcoholic beverages is situated within five hundred feet (500 ft.) or less of residentially zoned property. The measurement to be taken shall be as provided for in paragraph A herein above.

(1) To be issued a permit when the provisions of paragraph B of this Section apply, the owner of a facility applying for an alcoholic beverage permit shall have written notarized consent of the adjacent residentially zoned property owners and the owners of the residentially zoned property situated within five hundred feet (500 ft.) or less of the facility applying for said permit. If the residentially zoned property is a subdivision, the owner of the facility shall obtain the written notarized consent of the homeowners' association, if existing, or fifty (50%) percent of the property owners therein.

C. The provisions of paragraph B of this Section shall exclude special events as defined elsewhere in this Article, convenience stores, or any facility selling packaged liquor which will not be consumed on premises, and shall not apply to any facility that is permitted at the time of adoption of this ordinance.

After the date of adoption of this ordinance, a facility that fails to remain permitted for a period exceeding six (6) months will require compliance with the provisions of paragraph B of this Section.

STATE REFERENCE: LSA R.S. 26:80, 26:81, 26:279 and 26:281. ~~CROSS REFERENCE: Section 3-127.00 this Code.~~

REPEAL: All ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SEVERABILITY: If any provision of this Ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this Ordinance are hereby declared to be severable.

EFFECTIVE DATE: This Ordinance shall become effective fifteen (15) days after adoption.

MOVED FOR ADOPTION BY: _____ SECONDED BY: _____

WHEREUPON THIS ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

YEAS: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE 1 DAY OF MAY, 2014; AND BECOMES ORDINANCE COUNCIL SERIES NO _____.

R. REID FALCONER, AIA, COUNCIL CHAIRMAN

ATTEST:

THERESA L. FORD, COUNCIL CLERK

PATRICIA P. BRISTER, PARISH PRESIDENT

Published Introduction: March 27, 2014

Published Adoption: _____, 2014

Delivered to Parish President: _____, 2014 at _____

Returned to Council Clerk: _____, 2014 at _____