

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 3091 ORDINANCE COUNCIL SERIES NO. _____

COUNCIL SPONSOR: STEFANCIK PROVIDED BY: LEGAL COUNSEL

INTRODUCED BY: MR. BAGERT SECONDED BY: MR. CANULETTE

ON THE 2ND DAY OF JUNE 2005

ORDINANCE AMENDING AND REENACTING ST. TAMMANY PARISH CODE OF ORDINANCES, TO AMEND SUBPARAGRAPH B OF SECTION 3-193.00, CHAPTER 3, ARTICLE IX, WHICH AUTHORIZES INDIVIDUALS HOLDING A SPECIAL "BR" LICENSE TO BE EMPLOYED AT QUALIFYING RESTAURANTS, TO ALSO PERMIT INDIVIDUALS TO OBTAIN SUCH A SPECIAL CLASS "BR" LICENSE TO BE EMPLOYED AT QUALIFYING COUNTRY CLUBS, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

WHEREAS, existing state law (and parish ordinances adopted pursuant thereto) authorizes the issuance of permits of all kinds, including permits for retail dealers of alcoholic beverages, to applicants for state and local permits who are over eighteen years of age, and who have otherwise met all of the pertinent qualifications and conditions set forth in La. R.S. 26:280 and/or La.R.S. 26:90; and

WHEREAS, existing parish ordinances provide for the issuance of a certificate of qualification to dispense alcoholic beverages to those applicants who possess the requisite qualifications, or the issuance of a special "BR" license to individuals over the age of eighteen who are employed in a qualifying restaurant holding a Class R Parish liquor license.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that Chapter 3, Article IX of the Code of Ordinances, particularly Subparagraph B of Section 3-193.00 thereof, is hereby amended and reenacted to provide as follows:

Sec. 3-193.00 Qualifications

Each applicant for a certificate of qualification to dispense alcoholic beverages shall possess the following qualifications:

A. Is a person of good character and reputation and over:

1. Twenty-one (21) years of age to dispense and/or sell alcohol in any business establishment having a valid Class A Parish liquor license;
2. Holder of valid dispenser's certificate issued prior to July 1, 1994 shall be grandfathered and exempt from the 21-year old requirement; as well as those employed by Class B outlets who can prove employment by January 1, 1995.

B. Is a citizen of the United States and of this State or a resident alien, and a resident of the state continuously for a period of not less than one year (1) next proceeding the date of the filing of the application, except for those individuals employed in restaurants serving alcoholic beverages holding Class "R" Parish liquor license when the principal business activity is the catering and/or serving of food with a minimum of sixty percent (60%) of said business' gross revenue being generated from the sale of food items and non-alcoholic beverages. These individuals must be 18 years of age and hold a special Class "BR" license. Any individual who is over the age of 18, and who is otherwise eligible for a special Class "BR" license, or who has already obtained such a license, may utilize such special license for the purpose of being employed at a country club, provided it is located on a golf course, caters and/or serves food as an ordinary part of its business, and is only open for business between the hours of 7:00 a.m. and 9:00 p.m.

REPEAL: The amendment, which is limited in its scope and application to the particular subparagraph and section, shall not be held to repeal any previously existing ordinance or parts of ordinances.

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 Ordinances are hereby declared to be severable.

DATE OF ENACTMENT: 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 _____ DAY OF _____, 2005 AND BECOMES ORDINANCE COUNCIL SERIES NO. _____.

STEVE STEFANCIK, COUNCIL CHAIRMAN

ATTEST:

DIANE HUESCHEN, COUNCIL CLERK

KEVIN DAVIS, PARISH PRESIDENT

Published introduction: May 26, 2005

Published adoption: _____, 2005

Delivered to Parish President : _____, 2005 at _____

Returned to Council Clerk: _____, 2005 at _____