

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 4738

ORDINANCE COUNCIL SERIES NO: _____

COUNCIL SPONSOR: GOULD/BRISTER

PROVIDED BY: PRESIDENT/LEGAL

INTRODUCED BY: MR. STEFANCIK

SECONDED BY: MR. SMITH

ON THE 1 DAY OF MARCH , 2012

PLEASE SEE ATTACHED FOR COMPLETE DOCUMENT

ORDINANCE TO AMEND THE PARISH CODE OF ORDINANCES, CHAPTER 3 ALCOHOLIC BEVERAGES, ARTICLE VI, WARDS 2 AND 6, SECTION 3-124 QUALIFICATIONS OF APPLICANTS FOR PERMITS GENERALLY AND CHAPTER 3 ALCOHOLIC BEVERAGES, ARTICLE VII OTHER WARDS, SECTION 3-161 QUALIFICATIONS OF APPLICANTS FOR PERMITS GENERALLY TO AMEND RESIDENCY RESTRICTIONS IN ACCORDANCE WITH LOUISIANA REVISED STATUTE TITLE 26, SECTION 80.

WHEREAS,

THE PARISH OF ST. TAMMANY HEREBY ORDAINS:

REPEAL: All ordinances or parts of Ordinances in conflict herewith are hereby repealed.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 5 DAY OF APRIL , 2012 ; AND BECOMES ORDINANCE COUNCIL SERIES NO _____.

MARTIN W. GOULD, JR., COUNCIL CHAIRMAN

ATTEST:

THERESA L. FORD, COUNCIL CLERK

PATRICIA P. BRISTER, PARISH PRESIDENT

Published Introduction: FEBRUARY 23 , 2012

Published Adoption: _____, 2012

Delivered to Parish President: _____, 2012 at _____

Returned to Council Clerk: _____, 2012 at _____

Ordinance Administrative Comment

ORDINANCE TO AMEND THE PARISH CODE OF ORDINANCES, CHAPTER 3 ALCOHOLIC BEVERAGES, ARTICLE VI WARDS 2 AND 6, SECTION 3-124 QUALIFICATIONS OF APPLICANTS FOR PERMITS GENERALLY AND CHAPTER 3 ALCOHOLIC BEVERAGES, ARTICLE VII OTHER WARDS, SECTION 3-161 QUALIFICATIONS OF APPLICANTS FOR PERMITS GENERALLY TO AMEND RESIDENCY RESTRICTIONS IN ACCORDANCE WITH LOUISIANA REVISED STATUTE TITLE 26, SECTION 80.

This revision is necessary to bring the Parish's alcohol permit qualifications in line with Louisiana law. Per varied Attorney General provisions, the Parish's existing ordinance exceeds the authority granted by the Louisiana Revised Statutes.

7/17/12

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. _____ ORDINANCE COUNCIL SERIES NO. _____

COUNCIL SPONSOR: GOULD/BRISTER PROVIDED BY: President/Legal

INTRODUCED BY: _____ SECONDED BY: _____

ON THE _____ DAY OF _____ 2012

ORDINANCE TO AMEND THE PARISH CODE OF ORDINANCES, CHAPTER 3 ALCOHOLIC BEVERAGES, ARTICLE VI WARDS 2 AND 6, SECTION 3-124 QUALIFICATIONS OF APPLICANTS FOR PERMITS GENERALLY AND CHAPTER 3 ALCOHOLIC BEVERAGES, ARTICLE VII OTHER WARDS, SECTION 3-161 QUALIFICATIONS OF APPLICANTS FOR PERMITS GENERALLY TO AMEND RESIDENCY RESTRICTIONS IN ACCORDANCE WITH LOUISIANA REVISED STATUTE TITLE 26, SECTION 80.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that it amends the Code of Ordinances, Chapter 3, Article VI, Section 3-124.00 to amend the residency requirements as follows:

CHAPTER 3
ARTICLE VI Wards 2 and 6
Sec. 3-124.00 Qualifications Of Applicants For Permits Generally

1. Applicants for state and local permits of all kinds which are within the scope of this Article 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 years (2 yrs.) next preceding the date of the filing of the application.
 3. Is the owner of the premises or has a bona fide written lease thereof.
 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 revoked a license or permit to sell or deal in alcoholic beverages issued by the United States or any other state for five years (5 yrs.) prior to the 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 years (5 yrs.) 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 Article; if so, the granting or denial of a permit is within the discretion of the ~~Police Jury~~ Council.
 9. Is not the spouse of a person whose application has been denied or whose permit has been revoked, unless judicially separated or divorced.
2. If applicant is a partnership or anyone in partnership with or financed by another, all members of the partnership or all persons furnishing money shall also possess the qualifications required of applicant. The application shall name all partners or financial backers and furnish proper addresses. If the applicant is a corporation or limited liability company, ~~all officers and directors and all stockholders owning in the aggregate more than five percent (5%) of the stock and the person or persons who shall conduct or manage the business shall possess the qualifications required of an~~

ORDINANCE CALENDAR NO. _____

ORDINANCE COUNCIL SERIES NO. _____

PAGE 2 OF 3

~~applicant. However, the requirement as to citizenship and residency does not apply to officers, directors, and stockholders, managers and/or members of the corporation or limited liability company.~~ 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 applicant.

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

THE PARISH OF ST. TAMMANY FURTHER ORDAINS that it amends the Code of Ordinances, Chapter 3, Article VII, Section 3-161.00 to amend the residency requirements as follows:

CHAPTER 3

ARTICLE VII Other Wards

Sec. 3-161.00 Qualifications Of Applicants For Permits Generally

1. Applicants for state and local permits of all kinds which are within the scope of this article 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 years (2 yrs.) 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 revoked a license or permit to sell or deal in alcoholic beverages issued by the United States or any other state for five years (5) prior to the 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 years (5) 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 Article; if so, the granting or denial of a permit is within the discretion of the ~~Police Jury Council~~.
 9. Is not the spouse of a person whose application has been denied or whose permit has been revoked, unless judicially separated or divorced.
2. If applicant is a partnership or anyone in partnership with or financed by another, all members of the partnership or all persons furnishing money shall also possess the qualifications required of applicant. The application shall name all partners or financial backers and furnish their proper addresses. If the applicant is a corporation ~~or limited liability company, all officers and directors and all stockholders owning in the aggregate more than five percent (5%) 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 citizenship and residency does not apply to officers, directors, and stockholders, managers and/or members of the corporation or limited liability company. 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 applicant.
3. If the applicant, or any other person required to have the same qualifications, does not possess the required qualifications, the permit shall be denied.

ORDINANCE CALENDAR NO. _____

ORDINANCE COUNCIL SERIES NO. _____

PAGE 3 OF 3

REPEAL: All Ordinances or parts of Ordinance 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 immediately upon final 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 ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE ____ DAY OF ____ 2012; AND BECOMES ORDINANCE COUNCIL SERIES NO. _____.

MARTIN W. GOULD, JR., COUNCIL CHAIRMAN

ATTEST:

THERESA FORD, COUNCIL CLERK

PATRICIA P. BRISTER, PARISH PRESIDENT

Published introduction: _____, 2012

Published adoption on: _____, 2012

Delivered to Parish President: _____, 2012 @

Returned to Council Clerk: _____, 2012 @

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 4738

ORDINANCE COUNCIL SERIES NO. _____

COUNCIL SPONSOR: GOULD/BRISTER

PROVIDED BY: PRESIDENT/LEGAL

INTRODUCED BY: MR. STEFANCIK

SECONDED BY: MR. SMITH

ON THE 1 DAY OF MARCH, 2012

ORDINANCE TO AMEND THE PARISH CODE OF ORDINANCES, CHAPTER 3 ALCOHOLIC BEVERAGES, ARTICLE VI WARDS 2 AND 6, SECTION 3-124 QUALIFICATIONS OF APPLICANTS FOR PERMITS GENERALLY AND CHAPTER 3 ALCOHOLIC BEVERAGES, ARTICLE VII OTHER WARDS, SECTION 3-161 QUALIFICATIONS OF APPLICANTS FOR PERMITS GENERALLY TO AMEND RESIDENCY RESTRICTIONS IN ACCORDANCE WITH LOUISIANA REVISED STATUTE TITLE 26, SECTION 80.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that it amends the Code of Ordinances, Chapter 3, Article VI, Section 3-124.00 to amend the residency requirements as follows:

CHAPTER 3

ARTICLE VI Wards 2 and 6

Sec. 3-124.00 Qualifications of Applicants For Permits Generally

1. Applicants for state and local permits of all kinds which are within the scope of this Article 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 years (2 yrs.) next preceding the date of the filing of the application.
 3. Is the owner of the premises or has a bona fide written lease thereof.
 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 revoked a license or permit to sell or deal in alcoholic beverages issued by the United States or any other state for five years (5 yrs.) prior to the 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 years (5 yrs.) 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 Article; if so, the granting or denial of a permit ~~is~~ is within the discretion of the ~~Police Jury~~ Council.
 9. Is not the spouse of a person whose application has been denied or whose permit has been revoked, unless judicially separated or divorced.
2. If applicant is a partnership or anyone in partnership with or financed by another, all members of the partnership or all persons furnishing money shall also possess the qualifications required of applicant. The application shall name all partners or financial backers and furnish proper addresses. If the applicant is a corporation or limited liability company, ~~all officers and directors and all stockholders owning in the~~

~~aggregate more than five percent (5%) 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 citizenship and residency does not apply to officers, directors, and stockholders, managers and/or members of the corporation or limited liability company.~~ 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 applicant.

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

THE PARISH OF ST. TAMMANY FURTHER ORDAINS that it amends the Code of Ordinances, Chapter 3, Article VII, Section 3-161.00 to amend the residency requirements as follows:

CHAPTER 3

ARTICLE VII Other Wards

Sec. 3-161.00 Qualifications Of Applicants For Permits Generally

1. Applicants for state and local permits of all kinds which are within the scope of this article 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 years (2 yrs.) 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 revoked a license or permit to sell or deal in alcoholic beverages issued by the United States or any other state for five years (5) prior to the 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 years (5) 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 Article; if so, the granting or denial of a permit is within the discretion of the ~~Police Jury Council~~.
 9. Is not the spouse of a person whose application has been denied or whose permit has been revoked, unless judicially separated or divorced.
2. If applicant is a partnership or anyone in partnership with or financed by another, all members of the partnership or all persons furnishing money shall also possess the qualifications required of applicant. The application shall name all partners or financial backers and furnish their proper addresses. If the applicant is a corporation or limited liability company, ~~all officers and directors and all stockholders owning in the aggregate more than five percent (5%) 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 citizenship and residency does not apply to officers, directors, and stockholders, managers and/or members of the corporation or~~

limited liability company. 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 applicant.

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

REPEAL: All Ordinances or parts of Ordinance 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 immediately upon final 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 ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE 5 DAY OF APRIL, 2012; AND BECOMES ORDINANCE COUNCIL SERIES NO. _____.

MARTIN W. GOULD, JR., COUNCIL CHAIRMAN

ATTEST:

THERESA FORD, COUNCIL CLERK

PATRICIA P. BRISTER, PARISH PRESIDENT

Published Introduction: FEBRUARY 23, 2012
Published Adoption on: _____, 2012
Delivered to Parish President: _____, 2012 @
Returned to Council Clerk: _____, 2012 @