

STATE OF LOUISIANA

PARISH OF WASHINGTON

**WASHINGTON PARISH COUNCIL**

**ORDINANCE No. 19-659**

Introduced on December 2, 2019

Introduced by Chris Workman

Public hearing held on, December 16, 2019

**AN ORDINANCE TO AMEND COMPILED ORDINANCES OF THE  
WASHINGTON PARISH ALCOHOL POLICY**

**WHEREAS**, Louisiana R.S. 26:74 authorizes parish governments to require annual permits and fees from dealers of alcoholic beverages; and

**WHEREAS**, Louisiana R.S. 26:493 authorizes parish governments to regulate the business of wholesaling, retailing and dealing in alcoholic beverages.

**DEFINITION OF SPECIAL EVENT**

**BE IT ORDAINED**, that in addition to those definitions contained in Louisiana R.S. 26:241 "special event" means a temporary alcoholic beverage permit for the sale of alcoholic beverages for a three-day period by fairs, festivals, civic, fraternal and religious events, Mardi Gras events and nonprofit functions. nonprofit organization.

**PERMITS/LICENSE**

**BE IT FURTHER ORDAINED**, that the sale of alcoholic beverages in Washington Parish requires a permit from the State of Louisiana, a permit from the Washington Parish Government and a license from the Washington Parish Sheriff's Office which are not transferable, assignable or heritable. Washington Parish permits are only valid from the time of issuance to June 30 of the year for which issued.

**PROHIBITED HOURS OF SALE OF ALCOHOLIC BEVERAGES**

**BE IT FURTHER ORDAINED**, that it shall be unlawful for any person or entity who or which has been issued a permit to sell alcoholic beverages, or any employee, servant or agent or representative of such permittee to sell, serve, offer to sell, give or dispense any alcoholic beverage between the hours of 2:00 a.m. and 6:00 a.m. daily. Any person or permittee who violates any provisions of this section shall be fined \$200.00 for the first offense; \$500.00 for the second offense; and for a third and subsequent offenses, \$500.00 and/or suspension and/or revocation of the permit to sell or dispense alcoholic beverages.

## **LOCATION RESTRICTIONS**

**BE IT FURTHER ORDAINED**, (a) that the sale of alcoholic beverages within 300 feet or less of a public playground, of a building used exclusively as a church or synagogue, public library, school or full-time daycare center as defined in Louisiana R.S. 17:405(A)(4), or correctional facility housing inmates, including, but not limited to, a halfway house is prohibited. The distance shall be measured as a person walks using the sidewalk, the shoulder of a public road or right of way, or other lawful and public pedestrian path from the principal front door of the church, school, etc., to the principal front door of the premises to be licensed. The measurement shall be done by a designee of the President of the Washington Parish Government or an agent or employee of the Alcohol & Tobacco Control Board; (b) that any establishment which has been permitted and/or licensed to sell alcoholic beverages prior to the existence of any public playground, of a building used exclusively as a church or synagogue, public library, school or full-time daycare center as defined in Louisiana R.S. 17:405(A)(4), or correctional facility housing inmates, including, but not limited to a halfway house, within the distance prohibited herein above shall have nonconforming use status and may maintain its' permit and have new or renewal permits issued. However, if any such establishment ceases to operate as a business or if any such establishment fails to maintain a valid permit for a period in excess of one (1) year, the establishment shall not be entitled to the nonconforming use status and shall not be issued new or renewal permits.

## **LOCAL OPTION ELECTION**

**BE IT FURTHER ORDAINED**, that Washington Parish is presently a parish identified in Louisiana R.S. 26:583C.(2) and is currently not subject to the provisions of Subsections A & B of Louisiana R.S. 26:583 and retains the legal sales characteristics as provided for by referendum prior to any annexation or reapportionment. As long as Washington Parish is a parish identified in Louisiana R.S. 26:583C.(2), any local option elections held in accordance with Louisiana R.S. 26:581, et seq. shall be held by wards and not council districts.

## **PERMIT FEES**

**BE IT FURTHER ORDAINED** that permits for the sale of alcoholic beverages both high and low content shall be renewed annually by July 1<sup>st</sup> to the Parish Government.

The fees for alcoholic beverage permits are as follows:

High content (Containing more than 6% alcohol by volume):

- Wholesale Dealer -- \$500.00
- Retail Class A -- \$500.00
- Retail Class B -- \$325.00
- Restaurant -- \$150.00
- Special Events -- \$200.00
- Manufacturer -- \$500.00

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Low content (Containing not more than 6% alcohol by volume):

- Wholesale Dealer -- \$125.00
- Retail Class A -- \$72.00
- Retail Class B -- \$60.00
- Restaurant -- \$25.00
- Special Events -- \$50.00
- Manufacturer -- \$500.00

All fees are to be payable to and collected by the Washington Parish Sheriff's Office. These license/permit fees are to be divided with the Sheriff receiving 40 percent and the Washington Parish Government receiving 60 percent to be remitted on a monthly basis.

### **LATE FEES**

#### **BE IT FURTHER ORDAINED:**

- (a) Should any retail dealer or wholesale dealer in beverages of high alcoholic content fail to file an application for renewal of the Parish permit for any ensuing year on or before July 1 of each year, a penalty shall be imposed of five percent of the amount due for the permit applied for, during the month of August and an additional five percent for each additional 30 days or fraction thereof during which the failure continues.
- (b) Should any retail dealer or wholesale dealer in beverages of low alcoholic content fail to file an application for renewal of the Parish permit for any ensuing year on or before July 1 of each year, a penalty shall be imposed of 25 percent over and above the regular fee.
- (c) No renewal application shall be received or accepted after September 30 of each year for the ensuing year and if application for renewal has not been filed before September 30 the establishment is prohibited, and it shall be unlawful for the licensee to sell or dispense alcoholic beverages therein until a new application for permit is filed with the Parish.

### **SALES TAX CLEARANCE FORM**

**BE IT FURTHER ORDAINED** that the Washington Parish Sheriff's Office, as the local sales tax collector, will provide a sales tax clearance form to the applicant to be attached to the original or renewal application for alcohol permits and licenses. Any party who is in arrears will be denied a permit or a renewal until the balance to the Parish tax collector is current.

### **QUALIFICATIONS FOR PERMIT**

**BE IT FURTHER ORDAINED** that the qualifications of applicants for permits shall be by Louisiana R.S. 26:80 as may be amended. Any prior ordinance that may have other qualifications is hereby rescinded.

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**EFFECTIVE DATE**

**BE IT FURTHER ORDAINED** that the effective date of this ordinance shall be January 1, 2020 and that any previous ordinances that may be in conflict with this ordinance is hereby repealed.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: (6) Workman, Lewis, McMasters, Fornea, Anthony and Talley

NAYS: (1) Fussell

ABSENT: (0)

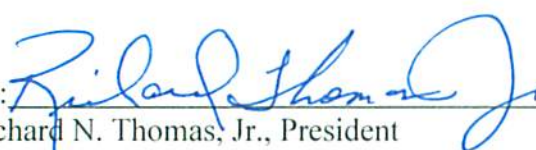
ABSTAINED: (0)

The ordinance was declared adopted on the 16<sup>th</sup> day of December, 2019.

WASHINGTON PARISH COUNCIL

By   
Chris Workman, Chairman

WASHINGTON PARISH GOVERNMENT

By:   
Richard N. Thomas, Jr., President

**CERTIFICATION**

**I, SARAH COOK, CLERK TO THE WASHINGTON PARISH COUNCIL,** do hereby certify that this is a true and correct copy of the Ordinance adopted by the Washington Parish Council, in regular session convened on the 16<sup>th</sup> day of December, 2019, at which meeting a quorum was present.

**GIVEN UNDER MY OFFICIAL SIGNATURE AND SEAL OF OFFICE,** this 16<sup>th</sup> day of December, 2019, Franklinton, Louisiana.

  
Clerk  
Washington Parish Council