

ORDINANCE NO.: 76
June 12, 2002

BE IT ORDAINED, by the Mayor and Council of the Town of Madisonville, Chapter 3, Alcoholic Beverage Control, Section 3.5 (b) of the "Code of Ordinances" of the Town of Madisonville is amended as follows:

- (b) No permit shall be granted for any premises situated within 200 feet of any public playground, or of a building used exclusively as a church, synagogue, public library or school, except a business college. The measurement of this distance shall be made from the nearest point of the property line of the church, library, or school to the nearest point of the property line of the premises to be licensed.

I certify that the above ordinance was adopted by the Town Council of the Town of Madisonville at its regular meeting held on Wednesday, June 12, 2002 at 7:30 p.m. following the reading of said ordinance section by section, on motion by Councilman Ostendorf seconded by Councilman Lange with the vote thereon as follows:

YEAS: Councilman Badeaux, Councilwoman Fruge, Councilman Lange, Councilman Ostendorf

NAYS: None

ABSENT: Councilman Tyrney


Cynthia C. Phelps, Town Clerk


Peter L. Gitz, Mayor

ORDINANCE NO. 41
October 14, 1992

BE IT ORDAINED by the Mayor and Council of the Town of Madisonville, Chapter 3, Alcohol Beverage Control, Section 3.7 (b) of the Code of Ordinances of the Town of Madisonville is hereby amended as follows:

- 3.7 (b) Dealers in beverages of low alcoholic content of less than six percent are hereby required to pay an annual license fee according to the following schedules:
- (1) Class A retail dealer permit \$75.00 (served on premises)
 - (2) Class B retail dealer permit \$60.00 (take-out only)
 - (3) Wholesale dealers permit \$100.00

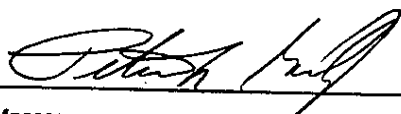
I certify that the above ordinance was adopted by the Town Council of the Town of Madisonville at its' regular meeting held on Wednesday, October 14, 1992, at 7:30 PM, following the reading of said ordinance, section by section, on motion by David Stein and seconded by Jean Pelloat with the vote thereon as follows:

YEAS: L.P. Ostendorf, Jerry Lange, David Stein, Jean Pelloat

NAYS: None

ABSENT: Danny Tyrney

Cynthia C. Phelps
Town Clerk


Mayor

AN ORDINANCE OF THE TOWN OF MADISONVILLE AMENDING THE CODE OF ORDINANCES OF THE TOWN OF MADISONVILLE BY ADDING THERETO PROVISIONS CONCERNING THE HOURS OF OPERATION OF RETAIL DISPENSORS OF ALCOHOLIC BEVERAGES, AND CONCERNING THE HOURS OF CONSUMPTION OF ALDOHOLIC BEVERAGES IN PUBLIC WAYS AND RECREATION AREAS, PROVIDING PENALTIES FOR VIOLATION THEREOF, AND PROVIDIING FOR OTHER MATTERS IN CONNECTION THEREWITH.

BE IT ORDAINED by the Mayor and Board of Aldermen of the Town of Madisonville that the Code of Ordinances of the Town of Madisonville, Louisiana is hereby amended by adding to Chapter 3 thereof a Section to be numbered Section 3-12 which said Section shall read as follows:

Section 3-12:

1) HOURS OF SALE

(a) It shall be unlawful for any person, firm or corporation who or which has been issued a permit to sell alcoholic beverages or beer, or any employee, servant, or agent or representative of such permittee, to sell, serve, offer to sell, give or dispense any alcoholic beverage which is the subject of this chapter between the hours of 2:00 a.m. and 6:00 a.m.

(b) No bars, bar rooms, lounges, night clubs, saloons, restaurants or other types of businesses licensed for the retail sale of alcoholic beverages for consumption on the premises shall remain in operation and allow any person, other than an employee of the permittee, to remain on its premises between the hours of 2:00 a.m. and 6:00 a.m.

(c) No holder of a permit for the retail sale of alcoholic beverages not intended for consumption on the premises shall sell or otherwise dispense any alcoholic beverage which is the subject of this chapter between the hours of 2:00 a.m. and 6:00 a.m.

(d) This section shall not apply on the following days: January 1, the Saturday, and Monday mornings preceeding Mardi Gras day, and Mardi Gras day itself.

2) REMOVAL OF BEVERAGES FROM ALCOHOLIC BEVERAGES OUTLET

(a) Between the hours of 2:00 a.m. and 6:00 a.m. no holder of a permit for the retail sale of alcoholic beverages intended for consumption on the premises shall knowingly permit any individual,

whether patron, customer, employee or otherwise to remove any beverage from the premises, whether in a closed container, glass, bottle, can, paper cup, "go cup" or otherwise.

(b) Between the hours of 2:00 a.m. and 6:00 a.m. no person, whether patron, customer, employee, or otherwise, shall remove any alcoholic beverages from the premises of the holder of a permit for the retail sale of alcoholic beverages for consumption on the premises, whether in a closed or open container of any type, whether glass, bottle, can, paper, or plastic cup, "go cup", or otherwise.

(c) Any holder of a permit for the retail sale of alcoholic beverages for consumption on the premises shall post a conspicuous notice inside his premises as well as by each exit, stating that it is illegal to remove any alcoholic beverages intended for consumption on the premises from the premises in any container of any kind between the hours of 2:00 a.m. and 6:00 a.m., and that violators shall be subject to fine and/or imprisonment under Town of Madisonville Ordinance.

3. Between the hours of 2:00 a.m. and 6:00 a.m. the consumption of alcoholic beverages on the public streets, public sidewalks, public river front property, public boat launch property, or public playgrounds is hereby prohibited.

4. In addition to the fine and/or imprisonment penalties provided by this Code of Ordinances for violation thereof:

(a) Conviction of anyone for the third offense of violating any provision of 3-12 (1) or 3-12 (2), shall constitute cause for the revocation of his permit to sell intoxicating, spiritous, vinous or malt liquors.

5. The doing of the acts described in 3-12 (1) and 3-12 (2) are hereby declared to be public nuisances and in addition to any other penalties provided herein, a court of competent jurisdiction may enjoin said acts.

6. DEFINITIONS:

As used in this section, the following words have the following meanings in addition to any other common meanings.

(a) Premise means the main building or ancillary buildings of the establishment to which a permit for the retail sale for consumption of alcoholic beverages or beer on the premises has been issued by the Town of Madisonville.

(b) Alcoholic Beverages means any beverage as defined in Chapter 3 of this Code of Ordinances.

BE IT FURTHER ORDAINED that this ordinance takes effect on July 2, 1989 at 12:01 a.m.

BE IT FURTHER ORDAINED that if any section or part of this ordinance is declared to be unconstitutional, the remaining sections and parts shall be deemed to remain in full force and effect.

The ordinance was declared adopted by the Board of Aldermen of the Town of Madisonville at it's regular meeting held on Wednesday, May 10, 1989, at 7:30 p.m. following the reading of said ordinance section by section, on motion by Mr. Stein, and seconded by Mr. Lange with the vote thereon as follows:

YEAS: Mr. Lange, Mr. Ostendorf and Mr. Stein

NAYS: None

ABSENT: Mr. Pelloat and Mr. Tyrney

Cynthia C. Phelps

TOWN CLERK

[Signature]

MAYOR

ORDINANCE NO.: 25
MAY 11, 1988

BE IT ORDAINED BY THE Mayor and Council of the Town of Madisonville, Chapter 3, Alcoholic Beverage Control, Section 3.5 of the "Code of Ordinances" of the Town of Madisonville is amended as follows:

Section 3.5 Facilities and business: Required location of business limitations.

(a) No permit shall be granted in contravention of any applicable zoning ordinance or regulation.

(b) No permit shall be granted for any premises situated within 300 feet of any public playground, or of a building used exclusively as a church, synagogue, public library or school, except a business college; except that permits may be granted to dealers who sell packaged beverages of low alcoholic content from convenience food store premises located no less than 200 feet from any public playground, or of a building used exclusively as a church, synagogue, public library or school, except a business college. The measurement of these distances shall be made from the nearest point of the property line of the church, library, or school to the nearest point of the premises to be licensed.

I certify that the above ordinance was adopted by the Town Council of the Town of Madisonville at it's regular meeting held on Wednesday, May 11th, 1988, at 7:30 p.m. following the reading of said ordinance section by section, on motion by Tyrney and seconded by Ostendorf with the vote thereon as follows:

YEAS: Baham, Ostendorf, Pelloat, Badeaux, Tyrney

NAYS: None

ABSENT: None

Cynthia C. Phelps
TOWN CLERK

[Signature]
MAYOR

I certify that the above is a true and correct copy of an ordinance duly adopted by Town of Madisonville, at a regular meeting of the Mayor and Board of Aldermen held on May 11, 1988.

Cynthia C. Phelps
Cynthia C. Phelps
TOWN CLERK

CHAPTER 3

ALCOHOL BEVERAGE CONTROL

Section 3.1 Operation without permit prohibited.

No person shall operate as a dealer in high or low alcoholic beverages as defined in L. R.S. 26:2 and L. S. R. 26:241 respectively, unless he has first applied for and received a permit from the municipality as required by this chapter. Each day's conduct of business by the dealer without a valid permit therefore constitutes a separate violation of this chapter.

Section 3.2 Application for permit.

All applications shall be in writing, sworn to and shall contain the full name and correct home address of the applicant and an accurate description and address of the business premises, and the application shall include an affidavit of the applicant that he meets the qualifications and conditions of L. R.S. 26:79 and 279. Unless he is seeking a renewal of his permit, an applicant for a retail dealer's permit shall attach to his application a certificate of publication by the publisher of the newspaper showing the publication of the notice required in L.R.S. 26:76, and 276.

Section 3.3 Submission of application.

All applications must be mailed or delivered to the mayor and board within 48 hours of the application for a state permit, and if the applicant fails to do so his application may be withheld and the permit denied. The mayor and board may issue permits immediately after proper investigation but for a period of 30 days after receipt of the application, the permittees shall operate on a probationary basis subject to final action on opposition to or withholding of, the permits.

Section 3.4 Qualification of applicants.

Applicants for permits under this chapter shall meet the qualifications and conditions required of applicants for state permits as outlined in L. R. S. 26:79 and 279.

Section 3.5 Facilities and business required location of business limited.

(a) No permit shall be granted in contravention of any applicable zoning ordinance or regulation.

(b) No permit shall be granted for any premises

situated within 300 feet of any public playground, or of a building used exclusively as a church, synagogue, public library or school, except a business college. The measurement of this distance shall be made from the nearest point of the property line of the church, library, or school to the nearest point of the property line of the premises to be licensed.

Section 3.6. Renewal of permit.

(a) Persons holding permits as dealers in beverages of high alcoholic content shall file an application for renewal thereof and pay the permit fees on or before January 1st of each year. One-half of the permit fee shall be paid by January 1 and the remaining one-half by March 1st each year. If a dealer fails to file the application and pay the portions of the permit fee by those dates, there shall be added to the fee, in addition to other penalties provided by state law a delinquency penalty of five percent (5%) if the failure is for not more than 30 days with an additional five percent (5%) for each additional 30 days or fraction thereof during which the failure continues.

(b) Persons holding permits as dealers in beverages of low alcoholic content shall file application for renewal thereof for the ensuing year on or before January 1st each year. The permit fee shall be delinquent on March 1st each year. After that date, the applicant shall be charged a delinquency penalty of 25% over and above the regular fee.

(c) A renewal permit may be withheld or denied on the same ground and in the same manner as an original permit.

Section 3.7 Permit fees.

(a) The annual fee required of a dealer in beverages of high alcoholic content shall be \$300.00.

(b) Dealers in beverages of low alcoholic content are hereby required to pay an annual license fee according to the following schedule:

- (1) Class A retail dealer permit \$30.00 (served on premises)
- (2) Class B retail dealer permit \$20.00 (take-out only)

(c) Applicants who commence business after June 30 shall pay one-half the applicable permit fee with the application.

Section 3.8 Suspension and revocation.

(a) The mayor and board may suspend or revoke permits issued to retail dealers in beverages of high alcoholic content for causes set forth in L.R.S. 26:88 and 89; and may suspend or revoke permits issued to retail dealers in beverages of low alcoholic content for causes set forth in L. R. S. 26:285 and 286.

(b) Before any permit is suspended or revoked the holder shall be entitled to a hearing before the mayor and board and the hearing and notice of that hearing shall comply with the requirements of L. R.S. 33:4787, and the holder of the permit shall likewise be entitled to appeal to the district court pursuant to L.R.S. 33:4788.

Section 3.9 Sale to minors.

No person holding a permit under the provisions of this chapter shall sell any beverages of high or low alcoholic content to any person who is under 18 years of age.

Section 3.10 Sale to incompetents.

No person shall sell, serve, give or deliver any alcoholic beverage to or procure or aid in the procurement of any alcoholic beverages for any habitual drunkard or person of unsound mind, knowing that the person buying or receiving service of the alcoholic beverages is an habitual drunkard or a lunatic.

Section 3.11 Sales by minors prohibited.

(a.) It shall be unlawful for any person to permit any person under the age of 18 years to sell or service alcoholic beverages, including wines and beer.

(b) It shall be unlawful for any retailer or dispenser knowingly to employ any person under the age of 18 years in the sale and service of alcoholic beverages.