

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 7999

ORDINANCE COUNCIL SERIES NO. 25-

COUNCIL SPONSOR: MR. LAUGHLIN

PROVIDED BY: CIVIL DIVISION

INTRODUCED BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

ON THE 6<sup>TH</sup> DAY OF NOVEMBER, 2025

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF ST. TAMMANY PARISH, LOUISIANA, PART I, CHAPTER 6 – ALCOHOLIC BEVERAGES, TO REPEAL AND REMOVE ARTICLE III. – DISPENSERS CERTIFICATE (CONSISTING OF SEC. 6-149 THROUGH SEC. 6-158) IN ITS ENTIRETY.

WHEREAS, it is in the best interests of the parish and its citizens to amend and remove the above referenced article and sections in the St. Tammany Parish Code of Ordinances to more efficiently serve the public; and

WHEREAS, St. Tammany Parish Government is unable to process applications as prescribed by Article III. – Dispensers Certificate, Secs. 6-149 through 6-158; and

WHEREAS, Louisiana state law provides for a responsible vendor program which includes the issuance of server and vendor permits (See La. R.S. 26:931, *et seq.*).

NOW, THEREFORE, THE PARISH OF ST. TAMMANY HEREBY ORDAINS that its Code of Ordinances of St. Tammany Parish, Louisiana, Part I, Chapter 6 – Alcoholic Beverages, Article III. – Dispensers Certificate is hereby amended to repeal and remove Article III. – Dispensers Certificate in its entirety:

~~Article III. – DISPENSERS CERTIFICATE~~

~~Sec. 6-149. – Required.~~

~~No person or manager or supervisor of any person shall dispense beverages of any alcoholic content in any business licensed under this article without having been certified or qualified to do so by the sheriff of the parish and without having complied with the provisions of this article.~~

~~Sec. 6-150. – Application; certificate.~~

~~(a) Each applicant desiring a certificate of qualification to dispense alcoholic beverages shall be photographed and fingerprinted by the sheriff's department of this parish.~~

~~(b) Each applicant shall pay, at the time of applying for a certificate to dispense alcoholic beverages, the following:~~

~~(1) A processing fee as provided in R.S. 15:587 in the form of a cashier's check or money order made payable to the "Louisiana Department of Public Safety."~~

~~(2) A license fee of \$30.00 payable to the sheriff of the parish. The sheriff shall determine and provide a uniform and consistent application for a dispenser's license; and he shall determine the size and content of the license or certificate to dispense, he being herewith authorized, empowered and directed to do so.~~

~~(c) The application shall be sworn in writing and include a statement that the applicant possesses the qualifications required herein.~~

~~Sec. 6-151. Qualifications.~~

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

~~(1) Is a person of good character and reputation and 21 years of age to dispense and/or sell alcohol in any business establishment having a valid Class A parish liquor license;~~

~~(2) 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 next proceeding the date of the filing of the application, for those individuals employed in restaurants serving alcoholic beverages holding Class R parish liquor licenses when the principal business activity is the catering and/or serving of food with a minimum of 60 percent of said business gross revenue being generated from the sale of food items and nonalcoholic beverages. These individuals will not be required to meet the state citizenship and residency requirement. However, they 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 or fraternal organization, provided it caters and/or serves food as an ordinary part of its business.~~

~~a. *Investigation of applications.* The parish sheriff shall investigate all applications filed with the parish for issuance of licenses, and the applications for renewals filed with that department under the delegation given him by the parish council, shall notify the department of development, division of permits, that the application has been approved or disapproved for issuance by him or that an application for renewal should be rejected. The decision to withhold a parish permit shall be made by the division of permits within two days after notice of the recommendation to that effect has been received from the sheriff. Within that period, the division of permits shall notify the applicant in writing by certified mail given to the address shown in the application, or by service through the sheriff's department thereof, of the~~

~~sheriff's recommendation to withhold and the reasons assigned therefor. When so addressed and mailed, or served as the case may be, the notice shall be conclusively presumed to have been received by the applicant.~~

- ~~b. *Opposition to issuance or renewal of permit.* Any person who has been a citizen of this parish for at least six consecutive months prior to the filing of the application may oppose the issuance of a permit or any renewal thereof at any time prior to its issuance, by filing a sworn petition of opposition with the parish council. The person must state in his affidavit of opposition that he, together with witnesses if any, will appear at a hearing to be conducted by the parish council to establish the allegations of the opposition and the particular cause or causes alleged as grounds for withholding or not reissuing the permit. In such event, the parish license shall be withheld pending the determination by the parish council at a hearing set for that purpose.~~
- ~~c. *Examination of business by sheriff's department.* The sheriff's department shall make periodic examinations of the business of all persons holding permits from the parish. The parish sheriff, or any member of his department observing any violation of the provisions of this chapter shall prepare and file, upon information and belief based upon what has been observed, a petition for withholding, suspending or revoking of a permit, setting forth the facts and circumstances of the violations and asking that the parish council set a date, place and time as to when the applicant or permittee should appear and show cause why the permit should not be withheld, suspended or revoked.~~
- ~~d. *Citizens.* A hearing may be initiated on the sworn petition of any citizen meeting the residency requirements as shown in section 6-104.~~
- ~~e. *District attorney's office and any other law enforcement authority.* The district attorney's office and any other law enforcement authority, or any member of their respective departments observing any violation of the provision of this chapter may prepare and file, upon information and belief based upon what has been observed, a petition for withholding, suspending or revoking of a permit, setting forth the facts and circumstances of the violations and asking that the parish council set a date, place and time as to when the applicant or permittee should appear and show cause why the permits should not be withheld, suspended or revoked. The notice or summons shall state the time, place and hour of the hearing, which shall be not less than ten nor more than 20 work days from the date of the notice. The notice or summons shall enumerate the cause or causes alleged for refusing the application or for suspending or revoking the permit. When a citizen's petition has been filed, a copy thereof shall accompany the notice or summons.~~
- ~~f. *Service.* Service of the notice or summons shall be by registered mail or through the sheriff's department to the applicant or permittee at the address shown on the application or permit and when so addressed and mailed or service made, same shall be conclusively presumed to have been received.~~

- ~~1. Hearings shall be conducted by the alcohol beverage control committee of the parish council, which is comprised of seven members of the parish council to be appointed by the parish council president at a meeting, regular or special, at which meeting a simple majority of the parish council is present.~~
- ~~2. The party seeking the withholding, suspension or revocation bears the burden of proof and shall present the case first.~~
- ~~3. The parties to the hearing are entitled to be represented by an attorney at law of their choice and at their expense. The district attorney's office may represent the party seeking the withholding, suspension or revocation.~~
- ~~4. Generally, the civil rules of evidence and procedure of the 22nd Judicial District Court shall be followed; however, the hearing is administrative in nature and is therefore informal, and it shall be so conducted as to afford all parties a fair, impartial and equitable opportunity to be heard.~~
- ~~5. Any exceptions to the jurisdiction or to the complaint must be filed in writing prior to the hearing. Same shall be argued before commencement of the hearing and may be disposed of by the parish council at that time or referred to the merits of the hearing.~~
- ~~6. The ABCC may issue subpoenas for documents or persons and it shall examine witnesses and receive testimony at the hearing. A notary public or proper party shall administer oaths to those testifying.~~
- ~~7. A request for issuance of subpoenas, for persons or documents must be filed with the secretary of the ABCC by the party seeking production thereof at least five work days before the date of the hearing. The secretary of the ABCC shall issue such subpoena to the person or persons whose attendance is sought, with documents, through the sheriff's department to the address shown on the request. No transcript is required, nor is it necessary that the testimony received be reduced to writing. Any party desiring same shall make prior arrangements with the ABCC secretary who shall select a court reporter to transcribe the proceedings at the expense of the party seeking the transcript.~~
- ~~8. The ABCC secretary shall receive and number all exhibits and shall retain them for not more than six months after the hearing is completed.~~
- ~~9. Issuance of all subpoenas shall be at the expense of the person requesting same, as shall be the witness fee, if any.~~
  - ~~(i) While the hearing shall be conducted in a manner open to the public, the deliberations of the ABCC at the conclusion of the hearing are not; the ABCC may conclude to grant or deny the relief sought, and in the case a revocation only is sought, may issue an order of suspension.~~

- ~~(ii) The ABCC shall decide the issue by a majority vote of the majority present and its decision shall be announced in an open meeting by the presiding officer.~~
  - ~~(iii) Alternatively, it may take any matter under advisement and issue a written decision, provided that the signatures of the majority and dissenting ABCC members, if any are affixed to the decision.~~
  - ~~10. The decisions of the alcohol beverage control committee in withholding, suspending or revoking permits are final and binding on all parties unless appealed in the manner provided in R.S. 26:104 and finally reversed by the courts.~~
  - ~~11. In accordance therewith, any party aggrieved by a decision of the alcohol beverage control committee may, within ten days of receipt of the ABCCs decision, take a devolutive appeal to the 22nd Judicial District Court.~~
  - ~~12. Such appeals shall be filed in said district court in the same manner as original suits are instituted therein. The appeals shall be tried de novo. Either party may amend and supplement his pleadings and additional witnesses may be called and heard.~~
  - ~~13. When there has been a previous criminal prosecution for the same or a similar act upon which the refusal, suspension or revocation of a permit is being considered, evidence of an acquittal in a court of competent jurisdiction is admissible in the trial of the appeal.~~
  - ~~14. The proceeding in the district court arising hereunder shall be heard summarily by the court, without a jury, and shall take precedence over other civil cases; however, no action can be filed therein until the matter of refusal to issue, suspension or revocation has been heard by the alcohol beverage control committee because otherwise the administrative remedy afforded shall not have been exhausted.~~
  - ~~15. Within ten calendar days after the signing of the judgment by the district court, the alcohol beverage control committee or the applicant for a permit or permittee, as the case may be, may devolutively appeal the judgment to the appellate court of proper jurisdiction. These appeals shall be perfected in the manner provided for in civil cases and shall be devolutive only.~~
  - ~~16. Should district court determine the decision of the alcohol beverage control committee in withholding, suspending or revoking the permit was in error, the decision of the alcohol beverage control committee shall not be voided if the alcohol beverage control committee takes an appeal to the court of appeals within the time provided for suspensive appeals.~~
- ~~(3) Has not been convicted of a felony under the laws of the United States, the state or any other state or country.~~

- ~~(4) Has not been convicted in this or any other state or by the United States or any other country of soliciting for prostitution, pandering, letting premises for prostitution, contributing to the delinquency of juveniles, keeping a disorderly place or illegal dealing in narcotics.~~
- ~~(5) Has not had a license or permit to sell or deal in alcoholic beverages by the United States, any state or by a political subdivision of any state authorized to issue permits for licenses revoked within one year prior to application, or been notified or had a judgment of court rendered against him involving alcoholic beverages by this or any other state or by the United States for one year prior to the application.~~
- ~~(6) Has not been adjudged by the state alcohol bureau control commission or convicted by any court of violation of the provisions of title 26 of the Louisiana Revised Statutes.~~
- ~~(7) Has not been convicted of violating any municipal or parish ordinances adopted pursuant to the provisions of R.S. 26:494.~~
- ~~(8) Has not had a certification of qualification to dispense alcoholic beverages issued by any other parish, municipality or state suspended or revoked.~~
- ~~(9) Must have completed the parish sheriff's course entitled "Responsible Alcohol Service" or the state office of alcohol and tobacco control "Approved Provider Responsible Vendor Program." Renewal applicants must have completed the parish sheriff's course entitled "Responsible Alcohol Service" or the state office of alcohol and tobacco control "Responsible Alcohol Service Course."~~

~~Sec. 6-152. Issuance.~~

~~The sheriff may refuse to issue a certificate of qualification to dispense alcoholic beverages to any person who lacks any of the qualifications set forth herein or in the interest of the public health, safety and morals.~~

~~Sec. 6-153. Right of permittee to sell without certificate.~~

~~The holder of a permit to sell alcoholic beverages at a particular establishment issued pursuant to the provisions of this article may dispense alcoholic beverages at that establishment without having a certification of qualification.~~

~~Sec. 6-154. Hiring person who does not possess certificate prohibited.~~

~~Any holder of a permit to sell alcoholic beverages who employs a person to dispense alcoholic beverages without that person having a certificate of qualification to do so issued by the sheriff shall be guilty of a misdemeanor.~~

~~Sec. 6-155. — Revocation or suspension.~~

~~Any act or failure of act by any person certified to be qualified to dispense alcoholic beverages under the provisions of this article, which is a violation of this article, shall subject such person to have his certificate to dispense alcoholic beverages suspended or revoked by the sheriff.~~

~~Sec. 6-156. — Appeals.~~

~~Any person aggrieved by the decision of the sheriff to refuse to issue or to suspend or revoke a certificate of qualification may take a devolutive appeal therefrom to the parish council within 15 days of written notification of said decision. The appeal must be taken by submitting a written request therefor to the secretary of the parish council, and the parish council shall hear said appeal within 20 days of receipt of said notice of appeal by the secretary of the parish council. The decision of the sheriff shall be final unless appealed within the time and in the manner set forth above.~~

~~Sec. 6-157. — License renewal.~~

~~The dispenser's certificate shall be valid for a period of two years from the date it is first issued; and shall be renewed for a like period within 90 days of the expiration date, in the same manner as the application for an original certificate.~~

~~Sec. 6-158. — Violations and penalties.~~

~~Any person certified to be qualified to dispense alcoholic beverages under the provisions of this article found in violation of section 6-38 (Sale to Minors) by a court of appropriate jurisdiction shall be subject to the following penalties:~~

- ~~(1) First offense: \$100.00 fine and five-day suspension.~~
- ~~(2) Second offense: \$250.00 fine and 30-day suspension.~~
- ~~(3) Third offense: \$500.00 fine and revocation of dispenser's certificate.~~

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 4<sup>TH</sup> DAY OF DECEMBER, 2025; AND BECOMES ORDINANCE COUNCIL SERIES NO. 25-      .

\_\_\_\_\_  
JOE IMPASTATO, COUNCIL CHAIR

ATTEST:

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KATRINA L. BUCKLEY, COUNCIL CLERK

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MICHAEL B. COOPER, PARISH PRESIDENT

Published Introduction: OCTOBER 29, 2025

Published Adoption: \_\_\_\_\_, 2025

Delivered to Parish President: \_\_\_\_\_, 2025 at \_\_\_\_\_

Returned to Council Clerk: \_\_\_\_\_, 2025 at \_\_\_\_\_