

BEER & LIQUOR LICENSE

#91-05

An ordinance of the Town of Pearl River, Louisiana regulating the sale of spirituous alcoholic, or intoxicating liquor containing more than 3.2 per centum of alcohol by volume: to prescribe restrictions in the location of such places where alcoholic spirituous, or intoxicating liquor may be sold; to provide for the issuance of permits for the sale of such alcoholic, spirituous, and intoxicating liquor to fix the price of such permits; to provide penalties of the violation of the provisions of this ordinance; and to repeal all ordinances or parts of ordinances in conflict here with and particularly ordinance #108 and #114.

SECTION 1: Be it ordained by the Mayor and Board of Aldermen of the Town of Pearl River, Louisiana in legal session convened, that it shall be unlawful for any person, persons or corporation to sell, or to offer for sale, or to have in possession for sale any intoxicating, spirituous or alcoholic liquor containing more than 3.2 per centum of alcohol by volume without first obtaining from the Mayor and Board of Aldermen of the Town of Pearl River, Louisiana, a permit to engage in such business.

SECTION 2: Be it further ordained that all applications for permits shall be in writing and shall be addressed to the Mayor and Board of Aldermen of the Town of Pearl River, Louisiana, and shall be filed with the tax collector for the Town of Pearl River, Louisiana: that said application shall be considered by the Planning Commission, the Mayor and the Board of Aldermen in legal session convened and if the person or persons or corporation applying for a permit to conduct such business shall have been found to have complied with all the provisions of law and entitled to a permit to conduct or operate such business the said Mayor and Board of Aldermen shall grant a permit to such a persons or persons or corporation to engage in such business upon the payment of the amount of such permit as hereinafter provided.

SECTION 3: Be it further ordained that separate licenses shall be required for each and every place where spirituous, alcoholic, or intoxicating liquor as herein defined is sold, and shall only be sold in the place of business specified and designated in the application for permit.

SECTION 4: Be it further ordained that any person or persons or corporation managed by a person of the full age of majority shall be entitled to a permit to engage in the business herein regulated except the following:

- A.) A person who is not of good character and reputation in the community in which he resides.
- B.) A person who is not a citizen of the United States.

- C.) A person who has been convicted of a felony, under the laws of the State of Louisiana and whose citizenship has not been restored.
- D.) A person who has been convicted of pandering or of other crime of misdemeanor opposed to decency and morality.
- E.) A person who at the time of application for renewal of any license issued hereunder could not be eligible for such permit upon a first application.
- F.) A copartner ship unless all of the members of such copartner ship shall be qualified to obtain a permit.
- G.) A corporation, of any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than five (5) per centum of the stock in the corporation would not be eligible to receive a permit hereunder for any reason.
- H.) A person whose place of business is conducted by manager or agent unless said manager or agent possesses the qualifications required of the permits.
- I.) A person who has been convicted of violating any federal or state law concerning the manufacture, possession or sale of alcoholic liquor, subsequent to the passage of this ordinance or shall have forfeited his bond to appear to answer charges for any such violation.

SECTION 5: Be it further ordained that the Mayor and Board of Aldermen of the Town of Pearl River, shall have the right to revoke the permit granted to any person or persons or corporation who shall violate any law of the State of Louisiana or United States of America or any State or Municipal regulation with respect to the sale and possession of spirituous, alcoholic, or intoxicating liquor or who shall be convicted of any charge of being drunk or disorderly or of driving an automobile while in an intoxicated condition or of violating any law or ordinance in or about the premises where his permit entitled him to engage in the business of sale of spirituous, alcoholic, or intoxicating liquor.

SECTION 6: Be it further ordained that it shall be unlawful for any person to have in his possession any spirituous, alcoholic, or intoxicating liquor which is commonly known as illegal liquor and upon which the tax due to the United States of America or any State or Municipal regulation with respect to the sale and possession of spirituous, alcoholic, or intoxicating liquor upon which the proper United States Liquor Stamp and the stamp of the State of Louisiana fixed upon liquor has not been attached shall be Prima Facia Proof of its illegality.

SECTION 7: Be it further ordained that the following words and phrases when used in the ordinance shall for the purpose of this ordinance have the respective meaning ascribed to them in the section, except in those instances where the context clearly discloses and indicates different meaning.

Retailer: This term shall include every person or persons or corporation other than a manufacturer or wholesaler who shall sell, offer for sell, offer for sale, have exposed for sale, or have his possession for sale, alcoholic beverages in any quantity.

Wholesaler: This term shall include only a person or persons or corporation who sells alcoholic beverages to other licensed wholesalers or to licensed retailers for resale.

Manufacturer: This term shall mean any person or persons, or corporation who directly, indirectly, personally, or through any agency whatsoever of alcoholic beverages.

Beer: This term shall mean a beverage obtained by alcoholic fermentation of an infusion or concoction of Barley or other grain, malt, and hops in water and shall include among other things, beer, ale, stout, lager beer, porter, and the like, containing more than 3.2 per centum of alcohol by volume.

Alcoholic Beverages: This term means any fluid or solid capable of being converted into a fluid suitable for human consumption and having including naturally fermented wine, sparkling wine, distilled liquors, blended distilled liquors fit for beverages of any mixture of the same, beer and fruit juices.

Distributor: This term shall mean any person or persons or corporation who having the agency for particular product of beer, and not more than one, and who shall keep some stored in or sell same in the Town of Pearl River and/or who may deliver same from a truck or conveyance to retailer for sale in the Town of Pearl River.

SECTION 8: Be it further ordained that it shall be unlawful for any person or persons or corporation to sell spirituous, alcoholic, or intoxicating liquors to any person below the age of twenty-one (21) years.

SECTION 9: Be it further ordained that it shall be unlawful for any person or persons or corporation to sell spirituous, alcoholic, or intoxicating liquors within a distance of three hundred (300') feet of any church or school house, said distance to be measured from the principal front door of said church or school house to the principal front door of the place where such liquor is kept for sale, and no permit shall be granted to any person within this prohibited distance as a foresaid.

SECTION 10: Be it further ordained that any person or persons or corporation who shall apply for a permit to operate any of the businesses herein provided for after July 1st of any year shall be entitled to a permit, upon compliance with the provisions of this ordinance, of one-half year upon the payment of one-half the amount fixed for a permit for a full year for said class of business his application shall cover, and said permit shall expire on December 31st of said year.

SECTION 11: Be it further ordained that any person or persons or corporation who shall Violate any of the provisions of this ordinance shall upon conviction suffer a fine not to exceed five hundred dollars (\$500.00) or imprisoned for no more than sixty (60) days or both be fined and imprisoned at the discretion of the court.

SECTION 12: Be it further ordained that all ordinances or parts of ordinances in conflict herewith, and especially ordinance #108 and #114 and is hereby repealed.

SECTION 13: Be it further ordained that this ordinance shall become effective immediately after its passage and promulgation.

YEAS: 5 NAYS: 0 ABSENT: 0 ADOPTED: 7/23/1991

Motion was made by Alderman Pat Walsh, seconded by Alderman David McQueen.

/s/ James Lavigne, Mayor

/s/ Ruby Gauley, Town Clerk