

## CHAPTER 9

### ALCOHOL BEVERAGE CONTROL

Section 9.1	Definitions
Section 9.2	Operation Without Permit Prohibited.
Section 9.3	Application for Permit
Section 9.4	Submission of Application
Section 9.5	Qualification of Applicants
Section 9.6	Facilities and Business Required Location of Business Limited
Section 9.7	Renewal of Permit
Section 9.8	Permit Fees.
Section 9.9	Suspension and Revocation
Section 9.10	Tax on Beverages of Low Alcoholic Content
Section 9.11	Regulations Against Public Drinking

#### Section 9.1 Definitions

(a) "Alcoholic beverages" means any fluid or any solid capable of being converted into fluid, suitable for human consumption, and containing more than one-half of one per cent alcohol by volume, including malt, vinous, spirituous, alcoholic or intoxicating liquors, beer, porter, ale, stout, fruit juices, cider or wine.

(1) "Beverages of low alcoholic content" means alcoholic beverages containing not more than six per cent alcohol by volume.

(2) "Beverages of high alcoholic content" means alcoholic beverages containing more than 6% alcohol by volume.

(b) "Liquors" means all distilled or rectified alcoholic spirits, brandy, whiskey, rum, gin, and all similar distilled alcoholic beverages, including all dilutions and mixtures of one or more of the foregoing, such as liquors, cordials, and similar compounds.

(c) "Sparkling wine" means champagne and any other effervescent wine charged with carbon dioxide, whether artificially or as the result of secondary fermentation of the wine within the container.

(d) "Still wine" means any non-effervescent wine, including any fortified wine, vermouth, any artificial imitation wine, any compound sold as "Still wine", and any fruit juice.

(e) "Malt beverages" means beverages obtained by alcoholic fermentation of an infusion, or concoction, or barley or other grain, malt, and hops in water, including, among other things, ale, beer, stout, porter, and the like. Malt beverages are exclusive of all "liquors" whether they be defined as intoxication or spirituous liquors, or as alcoholic, vinous, or malt, liquors, or however otherwise defined as liquors.

(f) "Dealer" means every person who manufactures alcoholic beverages within the Village of Folsom for handling in Louisiana or who imports alcoholic beverages from any state, territory, possession, or foreign country for handling in Louisiana or who, not being able to prove that the tax levied by this ordinance has been previously paid, sells, offers for sale, or has in possession for sale or other handling beverages of high alcoholic content.

(g) "Manufacturer" means any person who, directly or indirectly, personally or through any agency, engages in the making, blending, rectifying, or other processing of alcoholic beverages in the Village of Folsom.

(h) "Wholesale dealer" means those persons who sell alcoholic beverages of low alcoholic content to licensed wholesale dealers or licensed retail dealers exclusively, within the Village of Folsom or to any persons for delivery beyond the borders of the Village of Folsom and who conduct a bona fide wholesale business and maintain a warehouse or warehouses for the storage and warehousing of alcoholic beverages of low alcoholic content in the area where domiciled and licensed by the state and conduct and maintain systematic and regular solicitations, distribution, delivers and sales of the said beverages to licensed retail dealers located within the boundary of each parish and municipality in which the wholesale dealer makes any sale or delivery.

(i) "Retail dealer" means every person who offers for sale, exposes for sale, has in his possession for sale or distribution, or sells alcoholic beverages in any quantity to persons other than licensed wholesale or retail dealers.

(j) "Beer outlet" means a place where any person draws or removes any malt beverages from containers for sale or consumption on the premises.

(k) "Package house" means a place where a person sells alcoholic beverages in closed containers, prepared for transportation and consumption off the premises.

(l) "Solicitor" means any person who offers for sale or solicits any orders for the sale of any regulated beverage, other than in a regularly established and licensed place of business in this village for delivery or shipment to any point in the state, whether done as owner, agent or servant.

(m) "Outlet" means a place where any person draws or removes any alcoholic beverage from its container for consumption on the premises.

(n) "Wine wholesaler" means any dealer who sells only sparkling wine and still wine, to other licensed wholesale dealers or to licensed retail dealers for resale within the Village.

(o) "Wine package house" means a place where a person sells only sparkling wines and still wines in the original package or closed container, prepared for transportation and consumption off the premises.

(p) "Regulated beverage" means any alcoholic beverage.

(q) "Bottler of wine" means any wine wholesaler who imports wine into the Village in bulk and puts it in a closed container for distribution to other wholesale dealers.

**EXEMPT PRODUCTS:**

The provisions of this Ordinance do not apply to the sale of:

- (1) Patent, antiseptic, and toilet preparations.
- (2) Flavoring extracts, syrups, and food products.
- (3) Scientific, chemical, mechanical, and industrial products.
- (4) Alcohol for industrial use or purposes only and which is so denatured as to be unfit for human consumption.

No person shall knowingly sell any of these products for beverage purposes or sell any of them under circumstances from which he may reasonably deduce the intention of the purchaser to use them for beverage purposes.

**Section 9.2 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.R.S. 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 therefor constitutes a separate violation of this chapter.

**Section 9.3 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.

"I am applying for a permit to sell alcoholic beverages at retail at the following address:  
. . . . . , in the Village of Folsom."

#### **Section 9.4 Submission of Application**

All applications must be mailed or delivered to the mayor and board within 72 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 9.5 Qualification of Applicants**

(a) 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.

(b) No permit shall be issued except to a person of good moral character over the age of eighteen years and a citizen of the United States. Each permit shall be for the personal use of the applicant, provided that a duly authorized officer or agent of a firm, corporation and/or association of persons duly qualified to do business in the State of Louisiana may obtain a permit for same, provided he has the qualifications required for a personal permit, and such application shall designate the firm, corporation and/or association of person in whose name said permit is desired. No person who has been previously convicted of a felony by the courts of this state or any other state or the United States, or any foreign country shall be competent to obtain a permit to sell beer, malt liquor, alcoholic beverages, liquor, cordial liquors, and specialties, sparkling wine and/or still wine.

#### **Section 9.6 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.

(c) The prohibition herein does not apply to any premises maintained as a hotel, railway car, or fraternal organization, nor to any premises which have been licensed to deal in alcoholic beverages for a period of one (1) year or longer prior to the adoption of this chapter.

(d) No wholesale permit shall be issued or held after issuance by any person unless at all times throughout the licensed year he meets standards set forth in L.R.S. 26:80 for wholesale dealers.

(e) Persons engaged primarily in the sale, handling, distribution and storage of alcoholic beverages which are ultimately delivered or transported beyond the borders of the state are exempt from complying with the standards above set forth.

(f) Separate permits shall be required for each and every place where beer, malt liquor, alcoholic beverages, liquor, cordial liquors, and specialties, sparkling wine and/or still wine, are sold either at wholesale or retail. All permits when issued shall be personal to the person to whom issued and shall not be transferable. The sale either by wholesale or retail, where authorized, shall be conducted only in the place of business specified and designated in the application for the permit. No change of place of business shall be allowed except after written application to and with the approval and consent of the Mayor and Board of Aldermen who shall have full power to approve and/or deny such change in the same manner as provided for in the issuance or rejection of any original application or permit. It shall be unlawful for any firm, person, corporation and/or association of persons to serve liquor of high alcoholic content of any nature or kind whatsoever, either inside the premises or outside the premises for which a permit is granted, provided however, that nothing shall prevent the delivery of liquor, alcohol, cordial liquors and specialties, sparkling wine and/or still wine, in unbroken and unopened packages, bottles, cans, vessels, or containers.

#### **Section 9.7 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. If a dealer fails to file the application and pay the permit fee by that date, there shall be added to the fee, in addition to other penalties provided by state law a delinquency penalty of five per cent (5%) if the failure is for not more than 30 days with an additional five per cent (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 applications for renewal thereof for the ensuing year on or before January 1st. Anyone filing his renewal application after that date 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 9.8 Permit fees**

(a) Before engaging in the business of dealing in beverages of low alcoholic content, all dealers, liquor manufacturers liquor wholesalers, liquor retailers, solicitors, outlets, package houses, wine wholesalers, wine package houses and bottlers of wine shall obtain from the Board of Aldermen, annually, dating from January 1 of each year, a permit to conduct each separate wholesale or retail business and shall pay for each permit according to the following schedule:

- (1) Wholesalers - \$100.00
- (2) Retailers, Class A - \$35.00
- (3) Retailers, Class B - \$25.00

(b) Before engaging in the business of dealing in beverages of high alcoholic content, all dealers, liquor manufacturers, liquor wholesalers, liquor retailers, solicitors, outlets, package houses, wine wholesalers, wine package houses and bottlers of wine shall obtain from the Board of Aldermen, annually, dated from January 1 of each year, a permit to conduct each separate wholesale or retail business and shall pay for each permit according to the following schedule:

- (1) Wholesalers - \$500.00
- (2) Retailers, Class A - \$300.00
- (3) Retailers, Class B - \$300.00
- (4) Manufacturers - \$500.00

(c) No permit shall be issued to any person, firm corporation and/or association of persons of any nature or kind whatsoever, who are indebted unto the Village of Folsom, Louisiana, for any delinquent taxes or licenses until the delinquencies have been paid.

(d) No permit shall be issued to any person, firm, corporation and/or association of persons of any nature or kind whatsoever, unless application for a like license has been made to the Louisiana Alcoholic Beverage Control Board and/or its successor is denied, the Village of Folsom permit fee may be refunded and the permit will be revoked and/or denied, all at the discretion of the Board of Aldermen.

### **Section 9.9 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 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.

(c) If there was any misstatement or suppression of fact in the application for the permit.

(d) If the permit was granted to any person who is or has been engaged in the business of dealing in beverages of any alcoholic content with a person who application for a permit has been denied or whose permit has been revoked, in the relationship of spouse, agent, employer, employee, or interposed person.

(e) If the permittee has been found guilty by the mayor, municipal or city court, justice of the peace court, or district court, as the case may be. Violation of any municipal or parish ordinance relating to beverages of any alcoholic content enacted pursuant to R.S. 26:494, if the ordinance provides for revocation of the permit for its violation.

(f) If any retail dealer fails to pay any excise taxes due by any regulated business to the state or to any parish or municipality.

(g) If after ten (10) days of being issued a wholesale dealer's permit, the permittee fails to meet all of the qualifications and requirements of a wholesale dealer as defined in R.S. 26:241(8).

(h) If a wholesale dealer fails to comply with R.S. 26:364.

(i) If a retail dealer or an employee of a retail dealer violates the following:

(1) Sell or serve beverages of any alcoholic content to any person under the age of eighteen years.

(2) Sell or serve beverages of any alcoholic content to any intoxicated person.

(3) Intentionally entice, aid, or permit any person under the age of seventeen years to visit any place where alcoholic beverages are the principal commodity sold or given away.

(4) Permit any prostitute to frequent the licensed premises.

(5) Permit any disturbance of the peace or obscenity, or any lewd, immoral, or improper entertainment, conduct, or practices on the licensed premises.

(6) Sell, offer for sale, possess, or permit the consumption on the licensed premises of any kind or type of alcoholic beverages, the sale or possession of which is not authorized under his permit.

(7) intentionally conduct illegal gambling, as defined by law, on the premises described in the application for permit.

(8) employ or permit females, commonly known as "B girls," to frequent the premises and solicit patrons for drinks or to accept drinks from patrons and receive therefor any commission or any remuneration in any other way.

(9) Employ anyone under eighteen years of age when the sale of alcoholic beverages constitutes the main business. If alcoholic beverages do not constitute the main business, an employee under eighteen years of age shall not handle or work with alcoholic beverages.

(10) Allow the sale, dispensing or distribution of beverages of low alcoholic content in any type of automatic mechanical vending machine activated by the use of coin, token, or similar instrument. The provisions of this paragraph shall not apply to establishments exempt from holding permits under this Ordinance.

(11) Permit the playing of pool or billiards by any person under eighteen years of age, or permit such a person to visit or frequent the licensed premises operating a pool or billiard hall.

(12) Accept food stamps as payments for alcoholic beverages.

(j) Violation of this section is punishable as provided in this Ordinance. It is also sufficient cause for the suspension or revocation of a permit.

(k) If any person, firm, corporation and/or association of persons shall violate any provisions of this Ordinance, or section thereof, shall on conviction, by court of competent jurisdiction, be fined not more than \$100.00 and costs or imprisonment of not more than 30 days, or both.

## **Section 9.10 Tax on Beverages of Low Alcoholic Content**

(a) In addition to all other excises, licenses or privilege taxes presently imposed, a tax on all malt beverages and beverages of low alcoholic content as defined in Section 241, Chapter 2, Title 26, of the 1950 Louisiana Revised Statutes, of \$1.50 per standard barrel of 31 gallons or any like rate of any other quantity, or for the fractional parts of such barrel sold or distributed for consumption in the Village of Folsom, Louisiana, within the meaning and intent of the provisions of Section 493, of Chapter 2, Title 26.

(b) The tax herein levied shall be collected by any and all Louisiana wholesale dealers from their vendees purchasing for consumption in the Village of Folsom, Louisiana, on each sale and shall be remitted by said wholesale dealers to the Collector of Revenue of the State of Louisiana for each month, on or before the 20th of each succeeding month respectively, all in accordance with rules and regulations promulgated by the Collector of Revenue and as provided by Section 493, of Chapter 2, Title 26.

(c) Failure of the wholesale dealer to collect and remit the tax levied, when due, or failure to pay the tax, when due, by a purchaser for consumption in the Village of Folsom of Folsom, Louisiana, shall, ipso facto, render each of them liable for the amount of taxes found to be due, together with a penalty of 20% of the amount of tax due, plus an additional amount of 10% of the tax and penalty, as attorney's fees if referred to an attorney for collection.

## **Section 9.11 Regulation of Public Drinking**

(a) No person shall drink alcoholic beverages in any street, alley, or public thoroughfare of the Village of Folsom.

(b) No person shall drink alcoholic beverages in any public parking lot, whether owned by the Village of Folsom or any individual, person, firm or corporation, when said parking lot is open to the general public without restriction.

(c) Whoever violates the provisions of this ordinance shall be punished by a fine of not more than \$100.00

Editorial Note: Statutory control of alcoholic beverage sale is contained in L.R.S. 26:1 et seq as indicated in the chapter text. Specific authority for municipal permit is L.R.S. 26:73 and 273. The statutory language differentiating between high and low content beverages sets forth varying standard as to the character and qualification of applicants for permits. Maximum license fees are established by the statutes pertaining to municipal licensing.

AMENDMENT

CHAPTER 9

ALCOHOL BEVERAGE CONTROL

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE VILLAGE OF FOLSOM, CHAPTER 9, BE AMENDED TO READ AS FOLLOWS:

SECTION 9.8 PERMIT FEES.

(A) BEFORE ENGAGING IN THE THE BUSINESS OF DEALING IN BEVERAGE OF LOW ALCOHOLIC CONTENT, ALL DEALERS, LIQUOR MANUFACTURERS, LIQUOR WHOLESALERS, LIQUOR RETAILERS, SOLICITORS, OUTLETS, PACKAGE HOUSES, WINE WHOLESALERS, WINE PACKAGE HOUSES, AND BOTTLERS OF WINE SHALL OBTAIN FROM THE BOARD OF ALDERMEN, ANNUALLY, DATING FROM JANUARY 1 OF EACH YEAR, A PERMIT TO CONDUCT EACH SEPARATE WHOLESALE OR RETAIL BUSINESS AND SHALL PAY FOR EACH PERMIT ACCORDING TO THE FOLLOWING SCHEDULE:

(1) WHOLESALERS	\$100.00
(2) RETAILERS, CLASS A	75.00
(3) RETAILERS, CLASS B	60.00

THIS AMENDMENT TO CHAPTER 9 SHALL BECOME EFFECTIVE UPON ITS PUBLICATION. THE ABOVE AMENDMENT TO CHAPTER 9 HAS BEEN READ AND CONSIDERED BY SECTION. AND UPON A VOTE BEING TAKEN, THE FOLLOWING RESULT WAS HAD:

YEAS: 3

NAYS: 0

ABSENT: 0

ABSTAINED: 0

WHEREUPON THE MAYOR DECLARED AMENDMENT TO SAID ORDINANCE TO BE DULY ADOPTED ON THE 9th DAY OF November, 1992.

VILLAGE OF FOLSOM

  
DARRELL MAGEE, MAYOR

premises for which a permit is granted, provided however, that nothing shall prevent the delivery of liquor, alcohol, cordial liquors and specialties, sparkling wine and/or still wine, in unbroken and unopened packages, bottles, cans, vessels, or containers.

The Board of Aldermen has determined that Chapter 6 "Alcohol Beverage Control," Section 9.6 "Facilities and Business Required Location of Business Limited" should be amended to read as set out below:

**BE IT ORDAINED,**

By the Board of Aldermen of the Village of Folsom, State of Louisiana that the Village of Folsom Code of Ordinances Chapter 6 "Alcohol Beverage Control," Section 9.6 "Facilities and Business Required Location of Business Limited" be amended to read as follows:

a. No permit shall be granted for any premises situated within three hundred (300) feet or less of a public playground or building used exclusively as a church or synagogue, public library, school, full-time day care center as defined in Louisiana Revised Statute 17:405(A)(4), or correctional facility housing inmates, including but not limited to a halfway house.

b. The distance of three hundred feet (300') shall be measured in a straight line from the nearest point of the property line of the public playground, church or synagogue, public library, school, full-time day care center or correctional facility, to the nearest point of the premises to be licensed. This method of measurement shall only apply prospectively to the issuance of a new alcohol permit issued on or after the effective date of this ordinance.

c. The provisions of this ordinance shall not apply to registered pharmacists or licensed drug stores, licensed under the laws of the state of Louisiana who are permitted to sell alcoholic beverages by prescription only, either of high or low alcoholic content.

d. Should any premises permitted to deal in beverages of alcoholic content be located within 300 feet from property acquired subsequent to issuance of the alcohol permit, the subsequent acquisition shall not be grounds for the revocation, withholding, denial, or refusal to renew the permit of said premises.

e. For the purposes of this ordinance, "public library" shall mean a public library which is located in a permanent structure and is open to the public for three or more days per week.

f. For the purposes of this ordinance, the term "premises" shall mean the actual building in which the alcoholic beverages are to be sold.

g. The prohibitions of this ordinance shall not apply to any premises which have been licensed to deal in alcoholic beverages prior to the adoption of this ordinance.”

BE IT FURTHER ORDAINED that this ordinance shall take effect on and after its promulgation.

Said ordinance having been introduced on the 14<sup>th</sup> day of December, 2009, notice of public hearing having been published, said public hearing having been held on the 11<sup>th</sup> day of January, 2010, the title having been read and the ordinance considered, on motion duly made and seconded to adopt the ordinance, a record vote was taken and the following was had:

Yeas: Alderman Phillip Bickham  
Alderman Ronald W. Holliday  
Alderman Charles K. Wilt

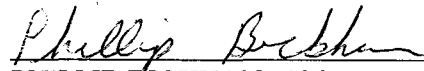
Nays: None

Abstentions: None

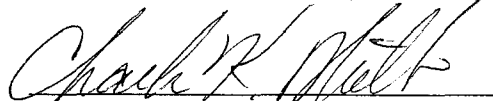
Absent: None

Whereupon, the Mayor declared the above ordinance duly adopted on the 11<sup>th</sup> day of January, 2010.

Folsom, Louisiana this 11<sup>th</sup> day of January, 2010.

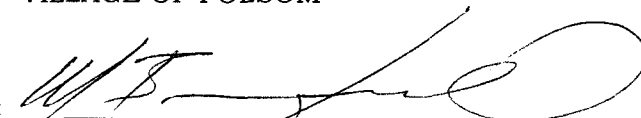
  
\_\_\_\_\_  
PHILLIP BICKHAM, Alderman

  
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RONALD W. HOLLIDAY, Alderman

  
\_\_\_\_\_  
CHARLES K. WILT, Alderman

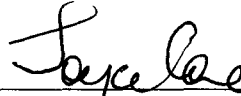
Approved:

VILLAGE OF FOLSOM

By:   
\_\_\_\_\_  
MARSHALL BRUMFIELD, Mayor

CERTIFICATE

I, Joyce Core, certify that the above and foregoing is a true and correct extract of the minutes of the regular session of the Village of Folsom held at the Town Hall in the Village of Folsom, Louisiana on the 11<sup>th</sup> day of January, 2010. Present: Marshall Brumfield, Mayor, Phillip Bickham, Alderman, Ronald W. Holliday, Alderman, Charles K. Wilt, Alderman. All present voted yea and there were no nays.



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JOYCE CORE, Municipal Clerk

  
MARSHALL BRUMFIELD, ALDERMAN

  
JOHN MIZELL, ALDERMAN

  
MICHAEL EZELL, ALDERMAN

ATTEST:

  
MERTY FITZMORRIS, VILLAGE CLERK

VILLAGE OF FOLSOM  
STATE OF LOUISIANA

**ORDINANCE AMENDING CODE OF ORDINANCES  
CHAPTER 9, ALCOHOL BEVERAGE CONTROL**

BE IT ORDAINED by the Board of Aldermen of the Village of Folsom, State of Louisiana that the Village of Folsom, Code of Ordinances, Chapter 9 "Alcohol Beverage Control," Section 9.12(1) "Hours of Sale" be amended to read as follows:

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 as defined in Section 9.1 of this chapter between the hours of 12:00 p.m. midnight and 6:00 a.m..

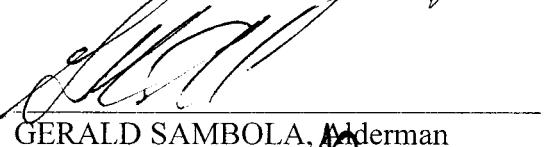
(b) No bars, bar rooms, lounges, night clubs, saloons, restaurants or other types of businesses licensed for retail sale of alcoholic beverages for consumption on the premises shall remain in operation and allow any person, other than an employee of the permittee, to remain on the premises between the hours of 1:00 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 as defined in Section 9.1 of this chapter between the hours of 12:00 p.m. midnight and 6:00 a.m..

BE IT FURTHER ORDAINED that this ordinance shall take effect on and after its promulgation.

Folsom, Louisiana this 12<sup>th</sup> day of November, 2001.

  
\_\_\_\_\_  
WILLIE RICHARDSON, JR., Alderman

  
\_\_\_\_\_  
GERALD SAMBOLA, Alderman

  
\_\_\_\_\_  
DAVID PITTMAN, Alderman

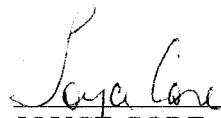
Approved:

VILLAGE OF FOLSOM

By:   
MARSHALL BRUMFIELD  
Mayor

CERTIFICATE

I, Joyce Core, certify that the above and foregoing is a true and correct extract of the minutes of the regular session of the Village of Folsom held at the Town Hall in the Village of Folsom, Louisiana on the 12<sup>th</sup> day of November, 2001. Present: Marshall Brumfield, Mayor, Willie Richardson, Jr., Alderman, Gerald Sambola, Alderman, and David Pittman, Alderman. All present voted: two yeas and one nay.

  
JOYCE CORE  
Municipal Clerk

# AFFIDAVIT OF PUBLICATION

STATE OF LOUISIANA

PARISH OF ST. TAMMANY

Before me, Notary, personally came and appeared Vera Hardman  
who, being duly sworn, did depose and say that she is manager of

## THE ST. TAMMANY FARMER

a newspaper of general circulation published within the Parish of St. Tammany, and that the legal notice  
for the Village of Folsom, Louisiana, re Ordinance  
Amending - Alcohol Beverage Control

As per copy attached hereto, was published in said issue (s) of December 6, 2001

*Vera Hardman*

6<sup>th</sup> day of December, 2001

*Charlette Williams*

BY, CLERK & NOTARY PUBLIC  
ST. TAMMANY PARISH, LOUISIANA

ALAMO PARK, SECTION 24, TOWN-SHIP, 7 SOUTH, RANGE II EAST, ST. TAMMANY PARISH, LA., to include an interest in the common elements based upon the square footage of the unit or units acquired (3360 sq. ft.) as compared to the total square footage (36,500 sq. ft.) (See Petition "Exhibit C" for complete description)  
Any heir or creditor who opposes the proposed sale must file an opposition within seven (7) days from the date on which the last publication of this notice appears.  
By Order of the Court.  
Malise Prieto, Clerk of Court  
Eric R. Bissel, Attorney:  
227 N. Columbia St. Covington, La. 70433 (985) 893-1222  
12/6, 27/01

22nd Judicial District Court  
Parish of St. Tammany  
State of Louisiana  
Succession of Gary E. Baudot  
NOTICE OF NOTICE OF PETITION TO PURCHASE TWO (2) PROPERTIES AT A PRIVATE SALE  
IS GIVEN THAT BARBARA DUHE BAUDOT, the duly qualified EXECUTRIX of the Estate of GARY EDMOND BAUDOT, No. 9535 of the 22nd Judicial District Court for the Parish of St. Tammany, State of Louisiana, has petitioned the Court for authority to purchase the properties hereinafter described, as a part of a 1031 U.S. Internal Revenue Exchange under the

VILLAGE OF FOLSOM  
STATE OF LOUISIANA

**ORDINANCE AMENDING CODE OF ORDINANCES  
CHAPTER 9, ALCOHOL BEVERAGE CONTROL  
TO PROVIDE FOR CLOSING TIMES**

BE IT ORDAINED by the Board of Aldermen of the Village of Folsom, State of Louisiana that the Village of Folsom, Code of Ordinances, Chapter 9 "Alcohol Beverage Control," Section 9.12 (1) "Hours of Sale" be amended to read as follows:

1. HOURS OF SALE

(a) With the exception of part (b) below, 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 as defined in Section 9.1 of this chapter:

On Monday, between the hours of 12:00 a.m. and 6:00 a.m.

On Tuesday, between the hours of 12:00 a.m. and 6:00 a.m.

On Wednesday, between the hours of 12:00 a.m. and 6:00 a.m.

On Thursday, between the hours of 12:00 a.m. and 6:00 a.m.

On Friday, between the hours of 12:00 a.m. and 6:00 a.m.

On Saturday, between the hours of 1:30 a.m. and 6:00 a.m.

On Sunday, between the hours of 1:30 a.m. and 6:00 a.m.

(b) On New Year's Eve, Mardi Gras Day and Halloween, 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 as defined in Section 9.1 of this chapter after 1:30 a.m. the following day.

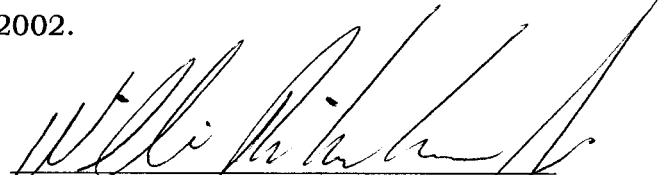
(c) No bars, bar rooms, lounges, night clubs, saloons, restaurants or other types of businesses licensed for retail sale of alcoholic beverages for consumption on the premises shall remain in operation and allow any person, other than an employee of the permittee, to remain on the premises longer than thirty minutes after the time scheduled for closing.

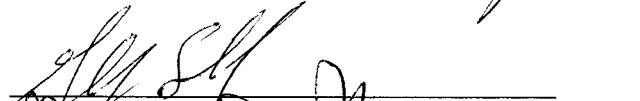
(d) No holder of a permit for the retail sale of alcoholic beverages not intended for consumption on the premises shall sell or otherwise dispense any alcoholic

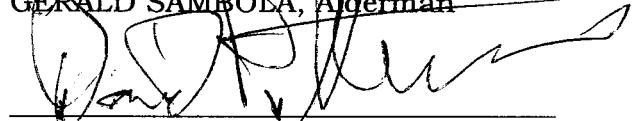
beverage as defined in Section 9.1 of this chapter between the hours of 12:00 a.m. midnight and 6:00 a.m.

BE IT FURTHER ORDAINED that this ordinance shall take effect on and after its promulgation.

Folsom, Louisiana this 8<sup>th</sup> day of July, 2002.

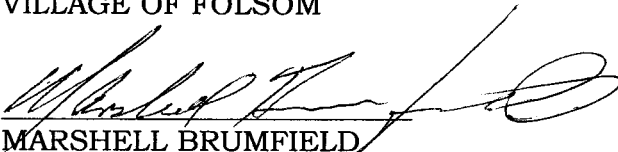
  
\_\_\_\_\_  
WILLIE RICHARDSON, JR., Alderman

  
\_\_\_\_\_  
GERALD SAMBOLA, Alderman

  
\_\_\_\_\_  
DAVID PITTMAN, Alderman

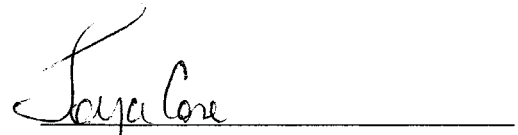
Approved:

VILLAGE OF FOLSOM

By:   
\_\_\_\_\_  
MARSHELL BRUMFIELD  
Mayor

CERTIFICATE

I, Joyce Core, certify that the above and foregoing is a true and correct extract of the minutes of the regular session of the Village of Folsom held at the Town Hall in the Village of Folsom, Louisiana on the 8<sup>th</sup> day of July, 2002. Present: Marshall Brumfield, Mayor, Willie Richardson, Jr., Alderman, Gerald Sambola, Alderman and David Pittman, Alderman. All present voted yea and there were no nays.

  
\_\_\_\_\_  
JOYCE CORE  
Municipal Clerk

**VILLAGE OF FOLSOM  
ORDINANCE AMENDING CODE OF ORDINANCES  
CHAPTER 9, ALCOHOL BEVERAGE CONTROL**

AN ORDINANCE TO AMEND SECTION 9.6 "FACILITIES  
AND BUSINESS REQUIRED LOCATION OF BUSINESS LIMITED."

**WHEREAS,**

The Folsom Code of Ordinances, Chapter 6 "Alcohol Beverage Control," Section 9.6 "Facilities and Business Required Location of Business Limited," currently reads:

(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.

(c) The prohibition herein does not apply to any premises maintained as a hotel, railway car, or fraternal organization, nor to any premises which have been licensed to deal in alcoholic beverages for a period of one (1) year or longer prior to the adoption of this chapter.

(d) No wholesale permit shall be issued or held after issuance by any person unless at all times throughout the licensed year he meets standards set forth in L.R.S. 26:80 for wholesale dealers.

(e) Persons engaged primarily in the sale, handling, distribution and storage of alcoholic beverages, which are ultimately delivered or transported beyond the borders of the state, are exempt from complying with the standards above set forth.

(f) Separate permits shall be required for each and every place where beer, malt liquor, alcoholic beverages, liquor, cordial liquors, and specialties, sparkling wine and/or still wine are sold at either wholesale or retail. All permits when issued shall be personal to the person to whom issued and shall not be transferable. The sale either by wholesale or retail, where authorized, shall be conducted only in the place of business specified and designated in the application for the permit. No change of place of business shall be allowed except after written application to and with approval and consent of the Mayor and Board of Alderman who shall have full power to approve and/or deny such change in the same manner as provided for in the issuance or rejection of any original application or permit. It shall be unlawful for any firm, person, corporation and/or association of persons to serve liquor of high alcoholic content of any nature or kind whatsoever, either inside the premises or outside the

premises for which a permit is granted, provided however, that nothing shall prevent the delivery of liquor, alcohol, cordial liquors and specialties, sparkling wine and/or still wine, in unbroken and unopened packages, bottles, cans, vessels, or containers.

The Board of Aldermen has determined that Chapter 6 "Alcohol Beverage Control," Section 9.6 "Facilities and Business Required Location of Business Limited" should be amended to read as set out below:

**BE IT ORDAINED,**

By the Board of Aldermen of the Village of Folsom, State of Louisiana that the Village of Folsom Code of Ordinances Chapter 6 "Alcohol Beverage Control," Section 9.6 "Facilities and Business Required Location of Business Limited" be amended to read as follows:

a. No permit shall be granted for any premises situated within three hundred (300) feet or less of a public playground or building used exclusively as a church or synagogue, public library, school, full-time day care center as defined in Louisiana Revised Statute 17:405(A)(4), or correctional facility housing inmates, including but not limited to a halfway house.

b. The distance of three hundred feet (300') shall be measured in a straight line from the nearest point of the property line of the public playground, church or synagogue, public library, school, full-time day care center or correctional facility, to the nearest point of the premises to be licensed. This method of measurement shall only apply prospectively to the issuance of a new alcohol permit issued on or after the effective date of this ordinance.

c. The provisions of this ordinance shall not apply to registered pharmacists or licensed drug stores, licensed under the laws of the state of Louisiana who are permitted to sell alcoholic beverages by prescription only, either of high or low alcoholic content.

d. Should any premises permitted to deal in beverages of alcoholic content be located within 300 feet from property acquired subsequent to issuance of the alcohol permit, the subsequent acquisition shall not be grounds for the revocation, withholding, denial, or refusal to renew the permit of said premises.

e. For the purposes of this ordinance, "public library" shall mean a public library which is located in a permanent structure and is open to the public for three or more days per week.

f. For the purposes of this ordinance, the term "premises" shall mean the actual building in which the alcoholic beverages are to be sold.

ORDINANCE 89-007

AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF ORDINANCES FOR THE VILLAGE OF FOLSOM BY ADDING THERETO PROVISIONS CONCERNING THE HOURS OF OPERATION OF RETAIL DISPENSERS OF ALCOHOLIC BEVERAGES, PROVIDING PENALTIES FOR VIOLATION THEREOF, AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH

BE IT ORDAINED by the Mayor and Board of Alderman of the Village of Folsom, Louisiana, that the Code of Ordinances of the Village of Folsom is hereby amended by adding to Chapter 9 thereof a Section to be numbered Section 9.12 which said Section shall read as follows:

**SECTION 9.12**

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 as defined in Section 9.1 of this chapter between the hours of 2:30 A.M. and 6:00 A.M. on the days of Monday through Friday and between the hours of 3:00 A.M. and 6:00 A.M. on the days of Saturday and Sunday.

(b) No bars, bar rooms, lounges, night clubs, saloons, restaurants or other types of businesses licensed for 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 2:30 A.M. and 6:00 A.M. on the days of Monday through Friday and between the hours of 3:00 A.M. and 6:00 A.M. on the days of Saturday and Sunday.

(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 as defined herein between the hours of 2:30 A.M. and 6:00 A.M. on the days of Monday through Friday and between the hours of 3:00 A.M. and 6:00 A.M. on the days of Saturday and Sunday.

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

2) REMOVAL OF BEVERAGES FROM ALCOHOLIC BEVERAGES OUTLET

(a) 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) 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 in any container of any kind, and that violators shall be subject to fine and/or imprisonment under Village Ordinance.

3) PENALTIES

(a) Whoever violates any provision of 9.12(1) above shall be fined on the first offense \$200.00; on the second offense \$500.00; and upon the third or subsequent offense shall be fined \$500.00 plus suffer the revocation of his permit to sell intoxicating, spirituous, vinous or mal liquors.

(b) Whoever violates any provision of Section 9.12(2) above, shall be fined not more than \$500.00 or imprisoned for not more than ten (10) days or both.

(c) Provided that any offense under this

ordinance committed more than three (3) years prior to the commission of the crime for which the defendant is being tried shall not be considered in the assessment of penalties hereunder.

4) 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 of consumption of alcoholic beverage or beer on the premises has been issued by the Village of Folsom.

(b) Alcoholic Beverages means any beverage as defined in Section 9.1 above.

BE IT FURTHER ORDAINED that this ordinance take effect 45 days from the date of its passage by the Board of Alderman for the Village of Folsom.

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.


BE IT FURTHER ORDAINED that the Clerk of the Village of Folsom be and she is hereby authorized and empowered to take any and all actions which, in her discretion she deems necessary or advisable for the promulgation of the provisions of this ordinance.


This ordinance passed and adopted on the 10 day of July, 1989.

This ordinance shall be effective ten (10) days after publication.

I certify that the above ordinance was adopted by the Town Council of the Village of Folsom at its regular meeting held on Monday, July 10, 1989 at 7:30p.m., following the reading of said ordinance section by section, on motion by Alderwoman McIntyre and seconded by Alderman Brumfield the vote thereon as follows:

YEAS: 3  
NAYS: 0  
ABSENT: 0

  
Merty Fitzmorris, Clerk

  
Ray "Bernie" Willie, Jr., Mayor

ORDINANCE #90-04-1

AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF ORDINANCES FOR THE VILLAGE OF FOLSOM BY ADDING THERETO PROVISIONS CONCERNING THE REGISTRATION OF PERSON SELLING ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION, PROVIDING PENALTIES FOR VIOLATION THEREOF, AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, the mayor and the Board of Aldermen desire to register and certify those persons dispensing alcoholic beverages in the Village of Folsom;

BE IT ORDAINED, by the Mayor and Board of Aldermen of the Village of Folsom, Louisiana, that the Code of Ordinances of the Village of Folsom is hereby amended by adding to Chapter 9 thereof a Section to be numbered Section 9.13 which said Section shall read as follows:

SECTION 9.13

I. No person shall dispense alcoholic beverage of a low or high alcoholic content in any business licensed under the ordinances of the Village of Folsom, Louisiana, for on the premises consumption, without having been certified or qualified to do so by the clerk and without after having complied with the provisions of this section.

Each applicant having a certificate of qualification to dispense alcoholic beverages in a place licensed for on the premises consumption shall be photographed and fingerprinted by the sheriff's office of St. Tammany Parish, and acquire a sheriff's department Alcoholic Beverage Employee Identification Card (Bar Card).

Each applicant shall pay to the Village Clerk at the time of receiving his license a fee of two dollars and fifty cents (\$2.50) to cover the cost of issuing such certificate. The certificate shall be valid for one year.

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

(a) Is a person of good character and reputation and having attained twenty-one (21) years of age.

(b) 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 one year next preceding the date of filing of the application.

(c) Has not been convicted of a felony under the laws of the United States, the State of Louisiana, or any other state or country.

(d) 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.

(e) 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 (1) 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 (1) year prior to application.

(f) Has not had a certification of qualification to dispense alcoholic beverages issued by any other parish, municipality or state suspended or revoked.

II. The application for a certificate of qualification shall be in writing and sworn to and shall contain the full name and correct address of the applicant and shall include a signed statement that he possesses the qualifications set forth in the preceding section.

Any person convicted of dispensing alcoholic beverages without having a certificate of qualification to do so, shall be penalized by a fine of not more than fifty dollars (\$50.00) or more than fifteen (15) days in jail, or both, at the discretion of the court.

However, the holder of a permit (as well as any manager whose name appears on the State of Louisiana Liquor License to sell alcoholic beverages at a particular establishment) may dispense alcoholic beverages at that establishment without having a certification of qualification required by this section.

New employees hired to dispense alcoholic beverages shall be required to secure a certificate of qualification within five (5) days of their employment.

Any person aggrieved by the decision of the clerk to refuse to issue or to suspend or revoke a certificate of qualification may take a devolutive appeal therefrom to the mayor and board of aldermen within fifteen (15) days of written notification of the said decision. The appeal must be taken by submitting a written request therefor to the secretary of the Village of Folsom, Louisiana, and the mayor and board of aldermen shall hear said appeal within thirty (30) days of receipt of said notice of appeal by the secretary of the Village of Folsom. The decision of the clerk shall be final unless appealed within the time and in the manner set forth above.

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 clerk of the Village of Folsom shall be penalized by a fine of not more than fifty dollars (\$50.00) or not more than fifteen (15) days in jail, or both, at the discretion of the court.

This Ordinance shall become effective and shall become operable upon its publication.

The above ordinance has been read and considered by Section, and upon a vote being taken, the following result was had:

Yeas: Alderman Brumfield; Alderwoman McIntyre;  
Alderwoman Willie  
Nays: None  
Absents: None

WHEREUPON the Mayor declared said Ordinance to be duly adopted on the 14th day of May, 1990.

ATTEST: *[Signature]*  
VILLAGE CLERK

VILLAGE OF FOLSOM

*[Signature]*  
BY: RAY B. WILLIE, JR., MAYOR

*[Signature]*  
ALDERMAN

*[Signature]*  
ALDERMAN

*[Signature]*  
ALDERMAN