

**2016-0199**

**INTRODUCED BY: DICK GIBBS, COUNCILMAN, DISTRICT III**

An ordinance to amend the St. Charles Parish Code of Ordinances Chapter 3 Alcoholic Beverages, Sections 3-1. Location restrictions, and 3-2. Approval of location by department of planning and zoning, to remove the locational restrictions for alcoholic beverage businesses.

**WHEREAS**, the Location restrictions on businesses seeking to obtain a liquor license have created a substantial burden on local businesses and are not mandated under State Law; and,

**WHEREAS**, the large number of protected uses within the Parish have limited the options for establishing new businesses and restaurants seeking to serve alcohol and beer; and,

**WHEREAS**, the proposed changes will primarily affect restaurants seeking to serve alcoholic beverages; and,

**WHEREAS**, the requirement for barrooms, nightclubs, lounges, and dancehalls to be zoned C-3 or higher and to obtain a Special Permit from the Planning and Zoning Commission and supporting resolution of the Parish Council is not changed by this proposed ordinance; and,

**WHEREAS**, the St. Charles Parish Council wishes to resolve these issues by eliminating the locational restrictions for alcoholic beverages businesses.

**THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:**

**SECTION I.** That the Code of Ordinances, Chapter 3 Alcoholic Beverages, Sections 3-1. Location restrictions, and 3-2. Approval of location by department of planning and zoning, are removed in their entirety as shown below in ~~strikethrough~~ for clarity.

~~Sec. 3-1. - Location restrictions.~~

~~(a) It shall be unlawful for any person to conduct an alcoholic beverage business within five hundred (500) feet of a public playground or a building used exclusively as a church, synagogue, public library, playground, licensed day care centers, school, except a school for business education conducted as a business college.~~

~~(1) Waiver of distance requirements for restaurant establishments. For purposes of this section, a restaurant establishment shall be defined as an establishment with a Class A-R restaurant permit as per section 3-1 of this code. The parish council may waive the five-hundred-foot requirement to not less than three hundred (300) feet from the protected church, synagogue, public library, playground, licensed day care center or school, provided the protected organization agrees in writing to waive opposition to the issuance of a permit for the applicant.~~

~~(2) Any permit issued under this section wherein the distance requirements have been waived by resolution of the parish council is not assignable or transferable in any fashion. In the event that the restaurant establishment and/or its ownership is transferred or in the event that the restaurant establishment is closed, any permit issued under this section is deemed voided and will no longer be of any force or effect. However, in the event of dissolution of a partnership by the death of a partner, the surviving partners may operate under the partnership permit.~~

~~(b) If the area affected by this section is undeveloped and there are no sidewalks, the measurement of the distance set forth in subsection (a) hereof shall be in a straight line from nearest point to nearest point of property lines. In developed areas, this distance shall be measured as a person walks using the sidewalk from the nearest point of the property line of the church, synagogue, public library, playground, licensed day care centers or school to the nearest point of the premises to be licensed.~~

~~(c) The provisions of this section do not apply to any premises which are maintained as a bona fide hotel, railway car, or fraternal organization, nor to any licensed drugstores which are licensed under state law to sell alcoholic beverages. The provisions of this section shall not apply to any premises which has been licensed to deal in alcoholic beverages prior to the adoption of this section.~~

- ~~(d) Should any property licensed to deal in alcoholic beverages be located within a distance less than that provided for in this section from property which is purchased or acquired after the license was obtained and permit issued for the construction, erection, movement or development of a public playground, or a building used exclusively as a church, synagogue, public library, playground, licensed day care centers or school, except a school for business education conducted as a business college or school, such subsequent purchase or acquisition shall not be grounds for the revocation, withholding, denial or refusal to renew the license on said premises.~~
- ~~(e) Any person violating the provisions of this section shall be punished by a fine of not more than two hundred fifty dollars (\$250.00) or imprisonment in the parish jail for not more than thirty (30) days, or both, at the discretion of the court. Each day's conduct of a beverage business in violation of this section shall constitute a separate offense and/or violation thereof.~~

~~Sec. 3-2. Approval of location by department of planning and zoning.~~

~~On application to the department of planning and zoning, applicants for permits for establishments which will dispense alcoholic beverages shall be informed by the department that their location will not allow the issuance of a license to sell alcoholic beverages, if such is the case.~~

~~It shall be unlawful for the department of planning and zoning to grant approval of an application for a location for the consumption or dispensation of alcoholic beverages in the parking area, or surrounding areas, of such businesses.~~

The foregoing proposed resolution was postponed indefinitely on May 16, 2016, by the following vote:

YEAS:       BENEDETTO, HOGAN, WILSON, CLULEE, GIBBS, WOODRUFF,  
              BELLOCK, FLETCHER, FISHER-PERRIER

NAYS:       NONE

ABSENT:     NONE