



St. Bernard Parish Council

8201 West Judge Perez Drive Chalmette, Louisiana, 70043
(504) 278-4228 Fax (504) 278-4209
www.sbpj.net

#17

Kerri Callais
*Councilmember
at Large*

Richard "Richie" Lewis
*Councilmember
at Large*

Gillis McCloskey
*Councilmember
District A*

Nathan Gorbaty
*Councilmember
District B*

Howard Luna
*Councilmember
District C*

Wanda Alcon
*Councilmember
District D*

**Manuel "Monty"
Montelongo III**
*Councilmember
District E*

Roxanne Adams
Clerk of Council

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, FEBRUARY 19, 2019 AT THREE O'CLOCK P.M.

On motion of Mr. Luna, seconded by Mr. Gorbaty, it was moved to **adopt** the following ordinance:

ORDINANCE SBPC #2137-02-19

Summary No. 3682

Introduced by: Councilmember Luna on 2/5/19

Public Hearing held on 2/19/19

AN ORDINANCE TO **AMEND** CHAPTER 3; ALCOHOLIC BEVERAGES, SECTION SEC. 3-26.1; SALE, DELIVERY, DISPENSING, POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. The Parish Council hereby amends Chapter 3; Alcoholic Beverages, Section Sec. 3-26.1; sale, delivery, dispensing, possession and consumption of alcoholic beverages as attached in Exhibit "A".

SECTION 2. Effective Date. This Ordinance shall become effective immediately upon authorizing signature by the Parish President. In the event of a presidential veto, this Ordinance shall become effective upon a two-thirds favorable vote of the total membership of the Council pursuant to Sections 2-11 and 2-13 of the St. Bernard Parish Home Rule Charter.

SECTION 3. Severability. If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this Ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion this Ordinance with the invalid portions omitted.



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Page -2-
Extract #17 continued
February 19, 2019

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The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:


YEAS: McCloskey, Gorbaty, Luna, Alcon, Montelongo, Callais

NAYS: None

ABSENT: None

The Council Chair, Mr. Lewis, cast his vote as **YEA**.

And the motion was declared **adopted** on the 19th day of February, 2019.


ROXANNE ADAMS
CLERK OF COUNCIL


RICHARD "RICHIE" LEWIS
COUNCIL CHAIR

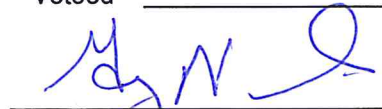
Delivered to the Parish President 2/21/19 10:20am
Date and Time

Received by Margen Campo

Approved ✓

Vetoed _____

Parish President


Guy McInnis

Returned to Clerk of the Council

2/22/19 2:00pm
Date and Time

Received by

Eulpa Mella

Summary No. 3682
Exhibit "A"
Ordinance SBPC #2137-02-19

Chapter 3 - ALCOHOLIC BEVERAGES

Sec. 3-26.1. - Sale, delivery, dispensing, possession and consumption of alcoholic beverages

- (a) *Supremacy*. All provisions of this section shall supersede, though not repeal, any provision of the St. Bernard Code of Ordinances that may be in conflict with this section; may impose a limitation or restriction upon this section; may serve to limit, prohibit, or reduce the penalties that are imposed by this section; or may appear to require that administrative procedures be exhausted or followed before a prosecution may be brought under this section.
- (b) *Venue*. The Courts of the 34th Judicial District shall have Jurisdiction over prosecutions for any violation of this section.
- (c) *Sale, delivery, or dispensing of alcoholic beverages for on premises consumption*. Limitations on sales, closing time, possession and consumption.
 - (1) No person shall request or solicit the holder, nor any employee of a holder, of a permit for the retail sale of alcoholic beverages for on premises consumption, to sell, deliver, or dispense any alcoholic beverage upon the licensed premises in violation of this section.
 - (2) No person, whether patron, customer, employee or otherwise, shall at any time, while on the outside of the building of the premises and/or the parking area of a holder of a permit for the retail sale of alcoholic beverages for on premises consumption, possess any alcoholic beverage in a container of any type, whether glass, bottle, can, paper or plastic cup, go-cup, or otherwise unless said container is unopened and sealed.
 - (3) Unopened and sealed container shall be defined as a container of any type, whether glass, bottle, can, paper or plastic cup, go-cup, or other receptacle which has not been opened, or on which a seal or stamp has not been broken, or from which a straw does not protrude.
- (d) *Sale, delivery, or dispensing of alcoholic beverages for off premises consumption*. Limitations on sales, possession, and consumption.
 - (1) No person, whether patron, customer, employee or otherwise, shall at any time, consume any alcoholic beverage on the premises of a holder of a permit for the retail sale of alcoholic beverages for off premises consumption.
 - (2) No holder of a permit for the retail sale of alcoholic beverages for off premises consumption, nor their employees, shall knowingly permit any individual, whether patron, customer, employee or otherwise, to consume any alcoholic beverage on the premises.
 - (3) No person, whether patron, customer, employee or otherwise, shall at any time, while on the premises of a holder of a permit for the retail sale of alcoholic beverages for off premises consumption, possess any alcoholic beverage in a container of any type, whether glass, bottle, can, paper or plastic cup, go-cup, or otherwise unless said container is unopened and sealed.
 - (4) No holder of a permit for the retail sale of alcoholic beverages for off premises consumption, nor their employees, shall knowingly permit any individual, whether patron, customer, employee or

Summary No. 3682
Exhibit "A"
Ordinance SBPC #2137-02-19

otherwise, to remove any alcoholic beverage from the premises in a container of any type, whether glass, bottle, can, paper or plastic cup, go-cup, or otherwise, unless said container is unopened and sealed.

- (5) Unopened and sealed container shall be defined as a container of any type, whether glass, bottle, can, paper or plastic cup, go-cup, or other receptacle which has not been opened, or on which a seal or stamp has not been broken, or from which a straw does not protrude.
 - (6) Paragraphs (d)(1), (d)(2), (d)(3), and (d)(4) herein constitute separate offenses within the context of this section.
 - (7) Unopened and sealed container shall be defined as a container of any type, whether glass, bottle, can, paper or plastic cup, go-cup, or other receptacle which has not been opened, or on which a seal or stamp has not been broken, or from which a straw does not protrude.
- (e) *Required notices.*
- (1) All holders of permits for the sale of alcoholic beverages for off premises consumption shall, in addition to the foregoing notice, post a conspicuous notice inside their premises, not less than eleven (11) inches by seventeen (17) inches in size, as well as by each exit, stating that it is illegal at any time to open or consume any alcoholic beverage on the premises and that said violators shall be subject to fine and/or imprisonment as provided in parish ordinances. This notice may be stated as part of the same notice required in (e)(1).
- (f) *Exceptions.*
- (1) The provisions of this section shall not apply on the following days: January 1; the Saturday, Sunday, and Monday preceding Mardi Gras Day; and Mardi Gras Day itself, but said days shall be counted as calendar days for the purposes of the imposition of penalties hereunder.
 - (2) All businesses, establishments, persons, firms or corporations who are licensed by the Parish of St. Bernard only to sell alcoholic beverages at retail for off-premise consumption, shall be exempt from the closure provisions but not the prohibition of alcoholic beverage sales.
- (g) *Penalties:* Any person, permit holder, or employee of any permit holder who violates any of the provisions of this section shall be sentenced as follows:
- (1) For the first offense, a fine of not more than two hundred dollars (\$200.00), and/or imprisonment for not more than five (5) days in jail, plus costs of the court;
 - (2) For the second offense occurring within any period of time consisting of seven hundred thirty (730) consecutive calendar days from the commission of the first offense, a fine of not more than five hundred dollars (\$500.00) and/or imprisonment for not more than ten (10) days in jail, plus costs of the court; and/or if applicable, the judicial suspension for up thirty (30) days of the permit to sell or dispense alcoholic beverages;
 - (3) For the third offense occurring within any period of time consisting of seven hundred thirty (730) consecutive calendar days from the commission of first offense, a fine of not more than five hundred dollars (\$500.00) and imprisonment for not less than five (5) nor more than fifteen (15)

Summary No. 3682
Exhibit "A"
Ordinance SBPC #2137-02-19

days in jail, plus costs of the court; and if applicable, the judicial suspension for not less than thirty (30) days nor more than one hundred eighty-five (185) days of the permit to sell or dispense alcoholic beverages; For the fourth offense occurring within any period of time consisting of seven hundred thirty (730) consecutive calendar days from the commission of the first offense, a fine of not more than five hundred dollars (\$500.00) and imprisonment for not less than fifteen (15) nor more than thirty (30) days in jail, plus costs of the court; and, if applicable, the judicial revocation of the permit to sell or dispense alcoholic beverages for a period of two (2) years.

- (h) *Notication* . The clerk of court shall forward to the chief administrative officer (CAO) and clerk of council a copy of the final disposition by the 34th Judicial District Court of any charges brought hereunder.