

LIQUOR AND BEER PERMITTING

CHAPTER 50, ARTICLE 1, DIVISION 1, Sec. 50-2. - Types of Class A retail liquor permits.

(1)

A **Class A-General** retail permit shall be issued only to a retail outlet where beverage alcohol is sold on the premises for consumption on the premises by paying customers. Such an establishment must be equipped with a permanent wet bar equipped with a non-movable sink

- a back bar or similar equipment for public display and
- inform the public of brands and flavors offered for sale.

(2)

A Class A-General retail establishment shall be staffed by a bartender whose primary duty is to open and/or prepare beverage alcohol products for consumption on the premises by paying customers, or prepared with an appropriate lid or cover on the container for take-out service. Such an establishment must meet all state and local health and zoning requirements as set forth by the state and by parishes and municipalities where a Class A-General retail outlet is located.

(3)

A Class A-General retail permit holder must derive at least 75 percent of its total retail sales income from the sale of beverage alcohol for consumption on the premises.

(6)

Such establishment must meet all state and local health and zoning requirements as set forth by the state and by parishes and municipalities where the retail outlet is located.

Class A-Restaurant: A Class A-Restaurant permit shall be issued only to a "restaurant establishment" as defined in this paragraph and issued to a facility in conjunction with a Class "R" restaurant permit. "Restaurant establishment" shall be defined as an establishment:

- a. Which operates a place of business whose purpose and primary function is to take orders for and serve food and food items;
- b. Which serves alcoholic beverages in conjunction with meals;
- c. Which serves food on all days of operation;
- d. Which grosses 60 percent of its average monthly revenue from the sale of food, food items, and nonalcoholic beverages;
- e. Which maintains separate sales figures for alcoholic beverages; and
- f. Which operates a fully equipped kitchen used for the preparation of uncooked foods for service and consumption of such foods on the premises.
- g. For new restaurant establishments without prior business experience on which to determine the gross revenue from the sale of the items in subsection (4) of this definition, the city may issue a temporary license which shall be valid for 60 days to allow the establishment to make such determination.

Fee schedule. Before engaging in the business of dealing in alcoholic beverages having an alcoholic content of more than six percent of volume, all persons shall apply for and obtain from the tax collector of the municipality annually, dating from January 1 of each year, an annual permit to conduct each separate business located within the corporate limits of the city and shall pay for each permit according to the following schedule:

- (1)Manufacturers: \$500.00 for each establishment.
- (2)Wholesalers: \$500.00 for each place of business.
- (3)Retailers:
 - a. Class A-General: \$500.00 for each place of business.
 - b. Class A-Restaurant: \$500.00 for each place of business.
 - c. Class B: \$500.00 for each place of business.

Applications. All applications for permits shall be filed in writing on a form, and in the manner required by the mayor, who shall approve or reject the application as hereinafter provided for.

Sec. 50-3. - Notice of application for retail dealer's permit.

*Prior to making application for a retail dealer's permit, each applicant shall twice insert an appropriate signed notice similar to the following in a newspaper published in the municipality in which he desires to operate his business or in the newspaper published nearest to his place of business, if it is not located in a municipality in which a newspaper is published: "I am applying for a permit to sell alcoholic beverages at retail at the following address: _____
_____ in the Parish of _____".*

The publication of this notice is not required of permittees seeking the renewal of their permits.

Sec. 50-4. - Contents of application for permit.

Applications for state and local permits to engage in any business or operation regulated by this article shall be in writing and sworn to, and shall contain the

- full name of the applicant,
- social security number,
- federal employer identification number, if applicable,
- state department of revenue and taxation business account number, if applicable, and
- correct home address

an accurate description and correct street address of the premises wherein the business or operation is to be conducted, which address shall be considered the proper address for all notices to the applicant or permittee required by this article, and shall be accompanied by an affidavit of the applicant showing that he meets qualifications and conditions set out in R.S. 26:80.

Original and renewal applications shall also be accompanied by a signed sales tax clearance from the secretary of the department of revenue and taxation, and the sales tax collection agency or agencies in the parish in which the application is made, which clearance request shall be processed within seven business days.

Sec. 50-5. - Submission of application; delay.

- a. All applications for state permits shall be mailed or delivered to the office of the board at the state capitol and
- b. all applications for local permits shall be mailed or delivered to the respective local authorities.
- c. An applicant shall mail or deliver his application for state and local permits within 24 hours of each other.
- d. If he fails to do so, his state application may be withheld and the permits denied.
- e. Upon receipt of an application, the board or the local authorities, as the case may be, shall stamp the day, month, and year received.
- f. The board and local authorities may issue the permits immediately after proper investigation but, for a period of 35 days after issuance, such permits shall operate on a probationary basis subject to final action on opposition to, or withholding of, the permits as hereinafter provided.

Sec. 50-6. - Qualifications of applicants for permits.

Applicants for state and local permits of all kinds shall meet the following qualifications and conditions:

- Is a person of good character and reputation and over 18 years of age.
- Is a citizen of the United States and a resident of the State of Louisiana. However, the requirements as to Louisiana citizenship do not apply to wholesalers or retailers who held permits on or prior to January 1, 1946.
- Is the owner of the premises or has a bona fide written lease therefor.
- Has not been convicted of a felony under the laws of the United States, the State of Louisiana, or any other state or country.
- Has not been convicted in this or in 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 illegally dealing in narcotics.
- Has not had a license or permit to sell or deal in alcoholic beverages, issued by the United States, any state, or by any political subdivision of a state authorized to issue permits or licenses, revoked within one year prior to the application, or been convicted 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.
- Has not been adjudged by the board or convicted by a court of violating any of the provisions of this Chapter.

- Has not been convicted of violating any municipal or parish ordinances adopted pursuant to the provisions of this Chapter. If the applicant has been so convicted, the granting of a permit or of a renewal is within the discretion of the board.
- Is not the spouse of a person whose application has been denied or whose permit has been revoked, unless judicially separated or divorced, provided that in such cases the age of the ineligible spouse shall be immaterial.
- Not owe the state or the local governmental subdivisions in which the application is made any delinquent sales taxes, penalties or interest, excluding items under formal appeal pursuant to applicable statutes.
- If the applicant is a partnership or anyone in partnership with or financed by another, all members of the partnership or all the persons in any way financially interested in the business shall also possess the qualifications required of an applicant. The application shall state the full names of all partners and persons financially interested and furnish their proper addresses and each shall furnish his affidavit showing his qualifications, as required of an applicant.
- If the applicant is a corporation, all officers and directors and all stockholders owning in the aggregate more than five percent of the stock and the person or persons who shall conduct or manage the business shall possess the qualifications required of an applicant, to be shown by the affidavit of each accompanying the application. However, the requirement as to residence does not apply to officers, directors, and stockholders of a corporation, if the corporation was the holder of a permit on July 28, 1948, and was such on January 1, 1947.
- If the applicant's business is to be conducted wholly or partly by one or more managers, agents, servants, employees, or other representatives, that person shall also possess the qualifications required of the applicant, to be shown by the affidavit of each accompanying the application.
- If the applicant, or any other person required to have the same qualifications, does not possess the required qualifications, the permit may be denied.

State of Louisiana Application

<http://www.atc.rev.state.la.us/docs/Class%20AG%20Application%20Packet%20FINAL.pdf>