

ORDINANCE # 2011-02
 INTRODUCED BY J Blackall
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 EFFECTIVE 4/12/11
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 AMENDED BY ORDINANCE #
 DATE AMENDED 7

AMENDED COPY

CITY OF COVINGTON
 ORDINANCE NUMBER 2011-02

AN ORDINANCE OF THE CITY OF COVINGTON AMENDING SECTION 10-34 SALE OF ALCOHOLIC BEVERAGES DURING SPECIAL EVENT, SECTION 10-37. GLASS CONTAINERS AND SECTION 6-1. HOURS OF SALE, REMOVAL OF BEVERAGES FROM OUTLET; PENALTIES FOR VIOLATION; DEFINITIONS.

WHEREAS, certain amendments and additions have been suggested to the sections of the Code addressing Sale of alcoholic beverages from outlets and during special events; and

WHEREAS, the Covington City Council deems ~~this~~ these amendments appropriate to protect the health, safety and welfare of the citizens of Covington; and,

WHEREAS, the Covington City Council deems ~~this~~ these amendments appropriate to protect the First Amendment rights of the citizens of Covington as well as visitors to the City; and

WHEREAS, the City Council has held its public hearing in accordance with law,

NOW, THEREFORE, be it ordained by the City Council of the City of Covington, at its regular session convened, that Section 10-34 Sale of alcoholic beverages during special event, Section 10-37. Glass containers and Section 6-1. Hours of sale; removal of beverages from outlet; penalties for violation; definitions, be amended to read as follows:

Sec. 10-34. Sale of alcoholic beverages during special-event.

(a) *Hours for retail sale of alcoholic beverages not intended for consumption on the premises; exceptions.*

(1) Any holder of a permit for the retail sale of alcoholic beverages not intended for consumption on the premises shall not sell or otherwise dispense any alcoholic beverage as defined in section 6-32 between the hours of 2:00 a.m. and 6:00 a.m. ~~This shall not apply for the following: December 31, January 1, Mardi Gras Day and the day following any day or night parade of the Krewe of Olympia or any other properly sanctioned and permitted night Mardi Gras Parade or festival, fair, concert or other similar public event within the entertainment district.~~

(2) It shall be unlawful for any retailer or wholesaler of alcoholic beverages to make any sale of alcoholic beverages to any person under the age of 21 years.

(b) *Removal of alcoholic beverages from an alcoholic beverages outlet in glass containers prohibited; exceptions.*

(1) No holder of a permit for the retail sale of alcoholic beverages intended for consumption on the premises or an employee of such holder shall knowingly permit any

1 individual, whether patron, customer, employee or otherwise, to remove any alcoholic
2 beverages from the premises in a glass container unless as permitted in Sec. 10-37. ⁷
3 ~~whether in a closed container, glass, bottle, can, paper cup, "go-cup" or otherwise.~~
4 ~~However, "go-cups" will be allowed for the following: December 31, January 1, Mardi~~
5 ~~Gras Day and the day following any day or night parade of the Krewe of Olympia or any~~
6 ~~other properly sanctioned and permitted Mardi Gras Parade or festival, fair, concert or~~
7 ~~other similar events within the entertainment district.~~

8
9 ~~(2) At properly sanctioned permitted events in the entertainment district the~~
10 ~~consumption of alcoholic beverages is permitted on public streets and in public areas~~
11 ~~where the event is occurring; however, no person shall sell, bring or have in their~~
12 ~~possession alcoholic beverages or any other beverage in glass containers of any kind~~
13 ~~for use or consumption at a fair, festival, parade, concert or other similar event.~~

14
15 ~~(3)(2) It shall be unlawful for any retailer or wholesaler of alcoholic beverages to~~
16 ~~make any sale of alcoholic beverages to any person under the age of 21 years.~~

17
18 ~~(c) Temporary permit required for sale of alcoholic beverages at special~~
19 ~~outdoor events. For events where alcoholic beverages are sold or are supplied as part~~
20 ~~of a general admission or other type of fee requirements, the state office of alcoholic~~
21 ~~beverage control must issue a temporary alcoholic beverage permit.~~

22
23 **Sec. 10-37. Glass containers prohibited.**

24 ~~At properly sanctioned permitted events in the entertainment district, the~~ The consumption of
25 alcoholic beverages is permitted on public streets and in public areas in the Entertainment
26 District. ~~where the event is occurring.~~ However, no person shall sell, bring or have in their
27 possession alcoholic beverages or any other beverage in glass containers of any kind for use or
28 consumption unless on the premises or on connected city sidewalks used as an extension to the
29 permitted use of the retail outlet. Written approval for use of city sidewalks and/or use of glass
30 containers in such situations must be obtained from the Mayor of the City of Covington prior to
31 use. ~~at a fair, festival, parade, concert or other similar events.~~

32 **Sec. 6-1. Hours of sale; removal of alcoholic beverages from an alcoholic**
33 **beverages outlet; penalties for violation; definitions.**

34 (a) Hours of sale.

35 (1) It shall be unlawful for any person, firm or corporation who or which has been issued a
36 permit to sell alcoholic beverages, or any employee, servant or agent or representative of such
37 permittee to sell, serve, offer to sell, give or dispense any alcoholic beverage as defined in
38 section 6-32 or 6-72 between the hours of 2:00 a.m. and 6:00 a.m.

39 (2) No bars, barrooms, lounges, nightclubs, saloons, restaurants or other types of businesses
40 licensed for retail sale of alcoholic beverages for consumption on the premises shall remain in
41 operation and allow any person, other than an employee of the permittee, to remain on its
42 premises between the hours of 2:00 a.m. and 6:00 a.m.

43 (3) No holder of a permit for the retail sale of alcoholic beverages not intended for
44 consumption on the premises shall sell or otherwise dispense any alcoholic beverage as defined
45 in this chapter between the hours of 2:00 a.m. and 6:00 a.m.

46 ~~(4) This section shall not apply on the following days: January 1, Mardi Gras Day and the~~
47 ~~day following any day or night parade of the Krewe of Olympia or any other properly sanctioned~~
48 ~~and permitted night Mardi Gras Parade within the city. This section shall not apply to retail sales~~
49 ~~on the following days: January 1st and on the day Daylight Savings Time changes. Hours on~~
50 ~~January 1st will be extended to a 3:00 a.m. closing. Hours on the day Daylight Savings Time~~
51 ~~changes will be extended for one hour.~~

52 (b) Removal of alcoholic beverages from an alcoholic beverages outlet; sale of alcoholic
53 beverages to minors.

54 (1) No holder of a permit for the retail sale of alcoholic beverages intended for consumption
55 on the premises or an employee of such holder shall knowingly permit any individual, whether
56 patron, customer, employee or otherwise, to remove any alcoholic beverage from the premises in
57 a glass container unless as permitted in Sec. 10-37. ~~whether in a closed container, glass, bottle,~~
58 ~~can, paper cup, "go-cup" or otherwise.~~

(2) No person, whether patron, customer, employee or otherwise, shall remove any alcoholic beverages in a glass container from the premises of the holder of a permit for the retail sale of alcoholic beverages for consumption on the premises unless as permitted in Sec. 10-37. ; ~~whether in a closed or open container of any type, whether glass, bottle, can, paper or plastic cup, "go cup" or otherwise.~~

(3) 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 intended for consumption on the premises from the premises in any glass container of any kind and that violators shall be subject to fine and/or imprisonment under city ordinance.

(4) It shall be unlawful for any retailer or wholesaler of alcoholic beverages to have been granted a permit to make any sale of such beverages to any person under the age of 21 years.

(c) Penalties for violation.

(1) Whoever violates any provision of subsection (a) of this section 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 malt liquors.

(2) Whoever violates any provision of subsection (b) of this section, shall be fined not more than \$100.00 or imprisoned for not more than 60 days or both.

(3) Provided that, any offense under this section committed more than three years prior to the commission of the crime of which the defendant is being tried shall not be considered in the assessment of penalties hereunder.

(d) Definitions. As used in this section, the following words have the following meanings in addition to any other common meanings:

Alcoholic beverages means any beverages as defined in section 6-32 or section 6-72.

Premises means the main building or ancillary buildings of the establishment to which a permit for the retail sale or consumption of alcoholic beverages or beer on the premises has been issued by the city.

(Code 1977, § 3-1; Ord. No. 99-12, § 3-1, 4-20-1999)

Cross references: Definitions generally, § 1-2.

BE IT FURTHER ORDAINED that if any provision of this ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this ordinance are hereby declared to be severable.

WHEREUPON, this ordinance having been submitted in writing, having been read by title and adopted at a public meeting of the City Council of the City of Covington, State of Louisiana.

WHEREUPON, Blackall ^{as amended} moved for adoption, seconded by Sacco and this ordinance was submitted to a vote and resulted in the following:

YEAS: 7 NAYS: 0
ABSTAIN: 0 ABSENT: 0

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PASSED AND ADOPTED this 4th day of January, 2011.

Matthew T. Faust

Matthew T. Faust
PRESIDENT OF THE COUNCIL

Bonnie D. Champagne

Bonnie D. Champagne
CLERK TO THE COUNCIL

Presented to the Mayor this 7th day of January, 2011, at 9:00 o'clock

A. M.

Bonnie D. Champagne

Bonnie D. Champagne
CLERK TO THE COUNCIL

Approved or Vetoed by the Mayor on this 7th day of January,
2011.

Candace Watkins

Mayor Candace Watkins

Received from the Mayor this 7th day of January, 2011, at 1:25 o'clock

P. M.

Bonnie D. Champagne

Bonnie D. Champagne
CLERK TO THE COUNCIL