

**ORDINANCE NO. 06 OF 2023**

**AN ORDINANCE AMENDING ORDINANCE NO. 1 of 2020,  
SECTION 3-14 TO PROVIDE FOR FURTHER RESTRICTIONS ON  
SALES AND CONSUMPTION OF ALCOHOLIC BEVERAGES**

WHEREAS, the Opelousas Police Department has advised the governing authority of the City of Opelousas that it believes further regulation of the sale and consumption of alcoholic beverages in the City of Opelousas would promote greater health and safety for residents and visitors of Opelousas;

WHEREAS, the governing authority desires to accept such recommendation and advice from the Police Department;

WHEREAS, the governing authority desires to amend, reenact, and restate Section 3-14 of Ordinance No. 1 of 2020; and

WHEREAS, this Ordinance was introduced at a council meeting on the 9<sup>th</sup> of May, 2023 by council member Charles Cummings, and a public hearing was held on the 13<sup>th</sup> day of June, 2023. Thereafter, on motion of councilmember Sherell Roberts and second by councilmember Delita Rubin-Broussard, a vote was held and the following results were recorded:

Yea: Sherell Roberts, Chasity Davis-Warren, Marvin Richard, Delita Rubin-Broussard, and Charles Cummings.

Nay: Milton Batiste III.

Absent: None.

NOW THEREFORE, BE IT ORDAINED by the governing authority of the City of Opelousas, that Ordinance No. 1 of 2020, Section 3-14 titled "Restrictions on Sales of Alcoholic Beverages", is hereby amended, reenacted, and restated so that it reads in its entirety as follows:

**Section 3-14 Restrictions on Sales of Alcoholic Beverages.**

- (a) Except as otherwise provided by this Chapter, it shall be unlawful for anyone to sell or serve alcoholic beverages or beer in any business establishment licensed under this chapter between the hours of 2:00 a.m. and 11:00 a.m. on Sundays, between the hours of 12:00 midnight and 6:00 a.m. on Mondays, and between the hours of 2:00 a.m. and 6:00 a.m. on Tuesdays, Wednesdays, Thursdays, Fridays, and Saturdays. The consumption of any alcohol on such premises is prohibited after 12:30 a.m. on Mondays and after 2:30 a.m. on all other days of the week.
- (b) It shall be unlawful for anyone to sell or serve alcoholic beverages under a special events permit between the hours of 12:00 a.m. and 12:00 p.m.
- (c) In any establishment or part thereof where alcoholic beverages are the principal items sold or handled, the alcoholic beverage permit shall remove all patrons and members of the public from the premises by 12:30 a.m. on Mondays and 2:30 a.m. on all other days. However, the permit holder, and his employees and/or agents may remain on the premises during the aforementioned hours for the purpose of closing operations, taking stock, cleaning up and other legitimately business related to activities. In all other businesses licensed under this chapter, the physical part of the premises where alcoholic beverages or beer are located shall be closed by physical restraints so as to deny access by patrons and to permit reasonable enforcement of these provisions.
- (d) This section shall apply to any business establishment for which the sale of alcoholic beverages constitutes less than fifteen (15) percent of its gross revenue. For purposes of evaluating gross revenue under this section, revenue received from admission to the business establishment or event shall not be considered.
- (e) It shall be unlawful for any person to sell or permit the sale of Alcoholic beverages as herein defined, in any manner or form whatsoever, in any place or building used as a dwelling, boarding, lodging or rooming house, unless there is a clearly defined separation by wall of the place in the said building wherein the business for which to operate herein has been granted; and further provided, that no part of the said business is carried in such dwelling portion; however, this provision shall not prevent the issuance of a permit for such sale by any recognized and duly licensed restaurant or café, in discretion of the governing authority.

- (f) No permit provided for herein shall be issued for any business situated within three hundred (300) feet or less from any church, synagogue, library, school or playground. The measurement of this distance shall be made from the nearest point of the property line of the church, synagogue, library, playground or school to the nearest point of the property line of the premises to be licensed.
- (g) It shall be unlawful for any person operating a business providing for the sale of alcoholic beverages, as defined in this Code of Ordinances, or any place of entertainment or pool hall open to public, conducted [sic] in such a manner as to disturb the public peace and quiet of the neighborhood, particularly permitting consumption of alcoholic beverages outside of the premises of such establishment, within thirty (30) feet thereof, by any person or persons occupying a motor vehicle, standing or sitting thereabout.
- (h) In no way shall this section be enforced in such a manner as to deny any first amendment right to anyone and is not directed against individuals, but is intended to prohibit owners from permitting such places to become dives, hangouts and places of gathering which is inconsistent with maintaining orderly business operations and at the same time maintaining the quiet and dignity of neighborhoods and at the same time preventing gatherings in such places as to constitute a public nuisance.
- (i) It shall be unlawful for any person to perform as an exotic, nude or topless dancer or to otherwise appear in a nude condition, as such is defined in subsection (a) hereof, in or on the premises of an establishment where alcoholic beverages are consumed or sold.
- (j) It shall be unlawful for any person, firm, partnership or corporation required hold an alcoholic beverage permit to allow exotic, nude, semi-nude or topless dancing in or on the premises of any *establishment*, where alcoholic beverages are sold or consumed. Any violation of this section is hereby declared to be a public nuisance and shall result in the appropriate city authority to initiate proceedings against such alcoholic beverage permits. Such proceedings and remedies may be or not; (1) seek appropriate injunctions, temporary or permanent; (2) to suspend, terminate, or revoke any permit or license issued by the city to such person, firm or partnership or corporation; (3) together with any and all appropriate penalties, fines or other provision to give full effect to this section.
- (k) It shall be unlawful for any person conducting a place of business for the sale of or where consumption of the beverages as herein defined is permitted to exhibit or suffer to be kept in said place of business any immodest, vulgar or obscene pictures, books or papers or any pictures or any mechanical contrivance containing same.
- (l) No intoxicated persons shall be permitted where said beverages are sold and any retailer selling to any person appearing to be intoxicated shall be guilty of an offense against the city.

This Ordinance was adopted by the City Council on June 13, and forwarded to the Mayor within ten (10) days thereof.

Opelousas, Louisiana this 13<sup>th</sup> day of June 2023.

This Ordinance shall become effective on July 13, 2023.

Attest:

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Leisa Anderson, City Clerk

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Hon. Julius Alsandor, Mayor