

FACT SHEET

CITY OF SHREVEPORT, LOUISIANA

<u>TITLE</u> An ordinance to amend Chapter 10, Article II, Division 4, Section 10-82 of the Code of Ordinances regarding sales of alcohol near homes, schools, churches, etc., and to otherwise provide with respect thereto.	<u>DATE</u> October 22, 2019	<u>ORIGINATING DEPARTMENT</u> City Council <u>COUNCIL DISTRICT</u> City-Wide <u>SPONSOR</u> Councilman John Nickelson
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PURPOSE
To amend Section 10-82 regarding the sale of alcohol near homes, schools, churches, etc.

BACKGROUND INFORMATION
Under the current language of the Code of Ordinances it is unlawful for any person to sell at either wholesale or retail, or otherwise dispose of, any beverage of low or high alcoholic content from, and no permit shall be granted for, any premises situated within 300 feet or less of a parish or municipal playground or of a building used exclusively as a church or synagogue, a full-time day care center as defined in R.S. 17:405(A)(4), public library or school, except, those used as an accredited institution of higher learning, a school for business education conducted as a business college.

This amendment expands the restrictions on the location of the premises to include private residences.

<u>TIMETABLE</u> Introduction: October 22, 2019 Final Passage: November 12, 2019	<u>ATTACHMENTS</u> NA
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SPECIAL PROCEDURAL REQUIREMENTS

<u>FINANCES</u> NA	<u>SOURCE OF FUNDS</u> NA
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ALTERNATIVES
(1) Adopt the ordinance as submitted, or (2) Amend the ordinance, or (3) Reject the ordinance.

RECOMMENDATION
Councilman Nickelson recommends adoption of the ordinance.

FACT SHEET PREPARED BY: Danielle A. Farr Ewing
Assistant City Attorney

ORDINANCE NO. _____ OF 2019

**AN ORDINANCE TO AMEND CHAPTER 10, ARTICLE II,
DIVISION 4, SECTION 10-82 OF THE CODE OF
ORDINANCES REGARDING SALES OF ALCOHOL
NEAR HOMES, SCHOOLS, CHURCHES, ETC., AND TO
OTHERWISE PROVIDE WITH RESPECT THERETO.**

BY COUNCILMEMBER: JOHN NICKELSON

BE IT ORDAINED by the City Council of the City of Shreveport, Louisiana, in due, regular and legal session convened, that: Chapter 10, Article II, Division 4, Section 10-82 of the Code of Ordinances of the City of Shreveport, is hereby amended to read as follows:

Sec. 10-82. - Sale near homes, schools, churches, etc.

- (a) Except as otherwise provided in this subsection and section 10-193, it shall be unlawful for any person to sell at either wholesale or retail, or otherwise dispose of, any beverage of low or high alcoholic content from, and no permit shall be granted for, any premises situated within 300 feet or less of a parish or municipal playground or of a building used exclusively as a church or synagogue, a full-time day care center as defined in R.S. 17:405(A)(4), public library or school, except, those used as an accredited institution of higher learning, a school for business education conducted as a business college, or private residence; provided, however, that where the premises to be licensed is located in the city D-1 downtown zoning districts, as defined in the Shreveport Unified Development Code ("Shreveport UDC"), it shall be unlawful for any person to sell at either wholesale or retail, or otherwise dispose of, any beverage of high or low alcoholic content from, and no permit shall be granted for, any premises situated within 200 feet or less of the above mentioned places, except a public library, or any premises situated within 90 feet or less of a public library.

The required 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, public playground, school, private residence, or any residential district to the nearest point of the premises to be licensed. This measurement shall be accomplished by the zoning administrator or his designee as appointed by the executive director of the Metropolitan Planning Commission, Caddo Parish, Louisiana.

- (b) The provisions of this section do not apply to:
- (1) Any premises which are maintained as a bona fide hotel;
 - (2) A railway car;
 - (3) A fraternal organization; excluding college fraternities;

- (4) A business establishment within an enclosed mall-type shopping center having a gross square footage of 250,000 square feet or more and having no exterior public access thereto less than 300 feet from any protected premises;
- (5) The sale of alcoholic beverages of high or low content by registered pharmacists or licensed drugstores by prescription only; and
- (6) Any premises holding a valid 2019 permit on October 22, 2019; provided, however, that should the sale or other disposal of alcoholic beverages of high and/or low alcoholic content cease at a premises for a period of 60 consecutive days or more, the provisions of this section shall then apply to such premises.
- (7) Any fairs, festivals or other public or private special events so long as a lawful local city temporary public special event alcohol permit and/or a city temporary private special event alcohol permit is obtained. This exemption shall apply only during the duration of each event.

BE IT FURTHER ORDAINED that the remainder of Chapter 10, Article II, Division 4 of the Code of Ordinances shall remain unchanged and in full force and effect.

BE IT FURTHER ORDAINED that if any provision or item of this Ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this Ordinance which can be given affect without the invalid provisions, items or applications and to this end the provisions of this Ordinance are hereby declared severable.

BE IT FURTHER ORDAINED that all Ordinances or parts thereof in conflict herewith are hereby repealed.

BE IT FURTHER ORDAINED that this Ordinance shall become effective in accordance with the provisions of [Shreveport City Charter Section 4.23](#).

THUS DONE AND ORDAINED by the City Council of the City of Shreveport, Louisiana.

APPROVED AS TO LEGAL FORM:

City Attorney's Office