

FACT SHEET**CITY OF SHREVEPORT, LOUISIANA****TITLE**

A Resolution suspending the effects of certain provisions of Chapter 10 of the Code of Ordinances with respect to Alcoholic Beverages and to otherwise provide with respect thereto

DATE

September 4, 2020

ORIGINATING DEPARTMENT

Office of the City Council

CITY COUNCIL DISTRICT

City-wide

SPONSOR

Councilman Grayson Boucher

PURPOSE

To temporarily suspend certain portions of Chapter 10-1 of the City of Shreveport Code of Ordinances classifying “bar or cocktail lounges” and “bona fide restaurants” for any retail establishment holding a valid “Class AG-Restaurant Conditional Permit” issued by the Louisiana Office of Alcohol and Tobacco Control.

Further, this Resolution shall reaffirm that any violations of the laws of the state of Louisiana and/or local ordinances of the City of Shreveport, or any penalties applicable thereunder for failure to adhere to the conditions or requirements for operating under a State issued “Class AG-Restaurant Conditional Permit” shall in no way be affected or suspended by this resolution and shall be duly enforced by law enforcement officials.

BACKGROUND INFORMATION

The Louisiana Office of Alcohol and Tobacco Control has provided that any retail establishment holding a Class AG (bar) permit may be issued a “Class AG-Restaurant Conditional Permit” if it also meets the requirements for a Class AR (restaurant) permit.

In an effort to allow retail bar establishments the opportunity to fully avail themselves of the permissions granted by the State of Louisiana to temporarily operate as a restaurant, and further in an effort to simulate recovery of small businesses in the City of Shreveport, the City Council has determined that certain provisions of the City’s ordinances regulating classification as a restaurant should be temporarily suspended and that State regulations governing restaurant permitting requirements for retail bar establishments holding a valid “Class AG-Restaurant Conditional Permit” shall supersede for a period of ninety (90) days.

TIMETABLE

Introduction: September 8, 2020
Final Passage: September 8, 2020

ATTACHMENT(S)**SPECIAL PROCEDURAL REQUIREMENTS**

None

FINANCES

N/A

SOURCE OF FUNDS

N/A

ALTERNATIVES

(1) Adopt the Resolution as submitted, or (2) Amend the Resolution, or (3) Reject the Resolution.

RECOMMENDATION

It is recommended that the City Council adopt the Resolution.

FACT SHEET PREPARED BY:

Thea R. Scott – Assistant City Attorney

RESOLUTION NO. _____ OF 2020

A RESOLUTION SUSPENDING THE EFFECTS OF CERTAIN PROVISIONS OF CHAPTER 10 OF THE CODE OF ORDINANCES WITH RESPECT TO ALCOHOLIC BEVERAGES AND TO OTHERWISE PROVIDE WITH RESPECT THERETO

BY: COUNCILMEMBER

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance Disaster Act, La. R.S. 29:721 et seq., the Governor declared a public health emergency on March 11, 2020 in Proclamation Number 25 JBE 2020 in response to the threat posed by COVID-19.

WHEREAS, pursuant to Proclamation Number 74 JBE 2020, the State of Louisiana moved into Phase 2 of recovery on Friday, June 4, 2020.

WHEREAS, Governor’s Proclamation Number 110 JBE 2020 declared that it is necessary to keep the State of Louisiana in Phase 2 of recovery until Friday, September 11, 2020 unless extended.

WHEREAS, pursuant to Governor’s Proclamation Number 110 JBE 2020, no bar without a food service permit from the Louisiana Department of Health, shall allow for on premises consumption of any food or drinks; and

WHEREAS, the Louisiana Office of Alcohol and Tobacco Control has provided for an exception for any retail bar establishment holding a valid State “Class AG” bar permit to apply for and obtain a “Restaurant Conditional Permit” which would allow temporary operation as a restaurant during such time as Phase 2 restrictions affecting retail bar establishments are effective; and

WHEREAS, the Shreveport City Council recognizes the importance of stimulating the recovery of small businesses during the COVID-19 pandemic; and

WHEREAS, the Shreveport City Council desires to allow retail bar establishments properly operating and permitted under the laws and ordinances of the City of Shreveport the opportunity to temporarily avail themselves of the permissions granted to holders of a State issued “Class AG - Restaurant Conditional Permit”.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport, in due, legal and regular session convened, that Sections 10-1 of the Code of Ordinances defining “Bona fide restaurants” and “bar or cocktail lounge” are hereby suspended for a period of ninety (90) days from the effective date of this Resolution.

BE IT FURTHER RESOLVED, that this suspension shall only be effective for retail establishments holding a valid “Class AG – Restaurant Conditional Permit” issued by the Louisiana Office of Alcohol and Tobacco.

BE IT FURTHER RESOLVED, that any violations of the laws of the State of Louisiana and/or local ordinances of the City of Shreveport, or any penalties applicable thereunder for failure to adhere to the conditions or requirements of operating under a State issued “Class AG - Restaurant Conditional Permit” shall in no way be affected or suspended by this Resolution.

NOW THEREFORE BE IT RESOLVED, that the remainder of the City of Shreveport Code of Ordinances shall remain in full force and effect.

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

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

BE IT FURTHER RESOLVED that all resolutions, ordinances or parts thereof in conflict herewith are hereby repealed.

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

APPROVED AS TO LEGAL FORM:

City Attorney’s Office