

FACT SHEET**TITLE**

An ordinance to amend Section 10-103 of the Code of Ordinances concerning grounds for suspension or revocation of alcohol beverage permits and include language concerning the emergency closure of an establishment by law enforcement and to otherwise providing with respect thereto.

DATE

August 3, 2022

ORIGINATING DEPARTMENT

Shreveport Police Department

COUNCIL DISTRICT

City-wide

SPONSOR**PURPOSE**

To amend Section 10-103 of the City of Shreveport Code of Ordinances to include a section concerning the emergency closure of an establishment by law enforcement officials and to provide a definition for what is considered a “imminent danger to the health, safety and welfare of the public”.

BACKGROUND INFORMATION**TIMETABLE**

Introduction: August 9, 2022
Final Passage: August 23, 2022

ATTACHMENTS**SPECIAL PROCEDURAL REQUIREMENTS**

NA

FINANCES

NA

SOURCE OF FUNDS

NA

ALTERNATIVES

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

RECOMMENDATION

It is recommended that the City Council adopt the ordinance.

FACT SHEET PREPARED BY:

ORDINANCE NO. _____ OF 2022

AN ORDINANCE TO AMEND SECTION 10-103 OF THE CODE OF ORDINANCES CONCERNING GROUNDS FOR SUSPENSION OR REVOCATION OF ALCOHOL BEVERAGE PERMITS AND INCLUDE LANGUAGE CONCERNING THE EMERGENCY CLOSURE OF AN ESTABLISHMENT BY LAW ENFORCEMENT AND TO OTHERWISE PROVIDING WITH RESPECT THERETO.

BE IT ORDAINED by the City Council of the City of Shreveport, in due, legal, and regular session convened, that Section 10-103 be hereby amended to add the following language:

Sec. 103.1 Emergency Closure of an Establishment by Law enforcement official; violation; termination of closure order; definition.

(a) *Grounds for emergency closure order.* The chief of police or his designee may order that an establishment be immediately closed when presented with circumstances described below. The decision by the chief of police or his designee as to whether such establishment shall be immediately closed, shall be made as set forth herein, if he finds that:

(1) There is an imminent danger to the health, safety and welfare of the public, as defined in subsection (d); and

(2) There is no other reasonable measure immediately available to ameliorate the finding in paragraph (1) of this subsection.

(b) *Violation:* Whoever violates this section shall be punishable by a fine of not more than \$500.0 or imprisonment of not more than 60 days or both.

(c) *Termination of emergency closure order.* The emergency closure order shall terminate after the law enforcement official determines that there is no longer imminent danger to the health, safety and welfare of the public.

(d) *Definition.* For purposes of this section only, "Imminent danger to the health, safety and welfare of the public," means the existence or the impending existence of a condition, situation, violation, practice or omission that could reasonably be expected by the law enforcement official to cause substantial physical harm to persons inside and/or outside of an establishment.

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.

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

APPROVED AS TO LEGAL FORM:

City Attorney's Office