

MINUTES OF THE
BLANCHARD MAYOR AND TOWN COUNCIL
REGULAR MEETING – JANUARY 10, 2017
7:00 O’CLOCK

Present: Mayor Galambos, Alderpersons J. Fuller, Guin, Lee, Umling, and Whittington, Chief Presswood, Atty. Tom Arceneaux, Deputy Atty. Katherine Douthitt, Perry Fuller-Utility Manager, Debra Smith-Town Clerk, and various guests.

Absent: None.

Meeting called to order by Mayor.

Pledge of Allegiance led by Whittington.

Invocation given by Guin.

Questions and Statements of Citizens

Sheila Norman of Putters Lane asked the Council to please consider having new construction sites to leave some trees on the site. Mayor deferred her to the Economic Development and Zoning Board which has a public meeting the first Monday of every month at Town Hall.

David and Annette Rollins of Tammany Drive would like to become more involved in the Town. Mayor deferred them to the Economic Development and Zoning Board meetings as well.

Motion by Lee to approve minutes of the Regular Meeting December 13, 2016. Second by J. Fuller. All voted yea.

Old Business

Public Hearing on Ordinance 10 of 2016 – An Ordinance to Revise the Application Process for Zoning Changes and to Establish a Procedure for the Zoning of Locations for the Sale of Alcoholic Beverages and Limited Gaming an otherwise providing with respect thereto.

Public Hearing opened 7:05 p.m. there being no comments the hearing closed at 7:06 p.m.

Vote on Ordinance 10 of 2016 – An Ordinance to Revise the Application Process for Zoning Changes and to Establish a Procedure for the Zoning of Locations for the Sale of Alcoholic Beverages and Limited Gaming an otherwise providing with respect thereto.

Ordinance 10 of 2016

An Ordinance to Revise the Application Process for Zoning Changes and to Establish a Procedure for the Zoning of Locations for the Sale of Alcoholic Beverages and Limited Gaming an otherwise providing with respect thereto.

BE IT ORDAINED by the Mayor and the Board of Aldermen of the Town of Blanchard, Louisiana, in due, legal and regular session convened, as follows:

Section 1. Section 19.24 of the Code of Ordinances of the Town of Blanchard is hereby amended and reenacted to read as follows:

(a) The zoning commission is hereby charged and delegated the authority to put into effect and enforce the provisions of this article. It shall be the zoning commission’s function to recommend the boundaries of the various original districts, as well as the restrictions and regulations to be enforced therein, and any supplements, changes or modifications thereof.

(b) Any owner, prospective owner, occupant or prospective occupant (always with the permission and joinder of the current owner) of a parcel of land, may petition the commission, through the town clerk, to change the zoning district of such land, or to add an "L" district to its designation. In every case, the petition shall be accompanied by a check made payable to the town to reimburse the town for any expenses incurred in the matter, and there shall be attached to the petition a plat or sketch showing the property proposed to be changed, and a sketch or drawing of a site plan for the proposed use.

(c) Upon receipt of a petition, the town clerk shall advise the chairperson of the commission, and the chairman shall set a public hearing on the petition within 60 days after receipt of the petition by the town clerk.

(d) The applicant shall notify the owners of the properties within 200 feet of the property that is the subject of the application and the time, date, and place of the public hearing. The distance shall be determined by lines drawn parallel to and 200 feet distance from the boundaries of the area that is the subject of the petition. Following the notice, the applicant shall certify in writing that the notice was provided, and shall provide a copy of the notice and the list of owners so notified.

(e) The town clerk shall publish notice of the time and place of the hearing in the official journal of the municipality once a week in three (3) different weeks and at least 15 days shall lapse between the first publication and the date of the hearing. At the public hearing the zoning commission shall, before reaching any decision and conclusion upon which it shall make final recommendations to the mayor and board of aldermen, consider the following factors in making its recommendations:

(i) Lessening the congestion in public streets;

(ii) Securing safety from fire;

(iii) Promoting health and general welfare;

(iv) Providing adequate light and air;

(v) Avoiding undue concentration of population;

(vi) Facilitating adequate transportation, water supply, sewerage, schools, parks and other public requirements;

(vii) Reasonable consideration of the character of the district and its suitability for particular uses; and

(viii) Reasonable consideration with a view to conserving the values of the buildings and encouraging the most appropriate use of land throughout the municipality.

(f) After the hearing, the commission may reach a conclusion immediately, or may take the matter under advisement, however, in either case, it shall make a report of its findings and recommendations to the mayor and board of aldermen. In the event that the commission does not reach a decision within 30 days after the date of the hearing, it shall be deemed that the commission has recommended that the petition be denied, and the town clerk shall so notify the board of aldermen.

(g) The board of aldermen shall then take such action as it deems advisable in the premises.

Section 2. Sections 19.26 and 19.27 of the Code of Ordinances of the Town of Blanchard are hereby enacted to read as follows:

SECTION 19.26 CONSUMPTION AND SALE OF ALCOHOLIC BEVERAGES

(a) Businesses or other non-residential organizations offering alcoholic beverages for sale or consumption on the premises shall be located only in an "L" district.

(b) "L" districts shall only be located within districts designated for "light commercial" use as defined in this zoning ordinance.

(c) There shall be four "L" districts, as follows:

i. L-1 – Sale of low alcohol content beverages for off-premise consumption only.

- ii. L-2 – Sale of low or high alcohol content beverages for off-premise consumption only.
 - iii. L-3 – Sale or consumption of low or high alcohol content beverages for on-premise consumption in a restaurant only.
 - iv. L-4 – sale of low or high alcohol content beverages for on-premise consumption only.
- (d) As used in this Chapter, the terms below have the meanings set for below:
- i. “Low alcohol content beverage” means beer and wine or similar products having a alcohol content equal to or less than 15% by volume.
 - ii. “High alcohol content beverage” means a beverage having a alcohol content greater than 15% by volume.
 - iii. “Restaurant” means an establishment 60% of whose gross revenues are derived from the sale of food and non-alcoholic beverages. A restaurant must serve its full menu of food during all of its operating hours.
- (e) Any owner or occupier of a property who wishes to have a property included in any “L” district shall apply for such district in the manner described in Section 19-24, and the application shall proceed as set forth in such section.
- (f) The commission may recommend, and the Board of Aldermen may include, such conditions to any “L” district as it deems reasonable and appropriate in the premises.

SECTION 19.27 GAMING ESTABLISHMENTS

(a) As used in this Chapter, the term “*gaming establishment*” means a building or location in which one or more gaming tables, wagering devices or machines, or other games of chance are present and available for persons to wager money or something of value on an uncertain outcome, with a prospect of winning money or other stakes, prizes or items or services of value, including by way of illustration, but not limitation: bingo, keno, raffles, video poker, roulette, parimutuels, blackjack and other card games. No part of this chapter shall be construed to preempt or conflict with state regulations concerning locations and/or rights to operate such establishments.

(b) A gaming establishment may operate in any “L” district to the extent, and only to the extent, permitted under applicable Louisiana state law, including but not limited to Chapter 27 of the Louisiana Revised Statutes.

Section 3. 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 that can be given effect without the invalid provisions, items of applications and to this end the provisions of this ordinance are hereby declared severable.

Section 4. All ordinances or resolutions or parts hereof in conflict herewith are hereby repealed.

Said Ordinance having been introduced on the 13th day of December, 2016, by Whittington, notice of a public hearing having been published, said public hearing having been held, the title having been read and the Ordinance considered, on motion of Whittington, seconded by Lee, to adopt the ordinance, a roll call vote was taken and the following was had:

YEAS: Fuller, Guin, Lee, Umling, and Whittington.

NAYS: None.

ABSENT: None.

ABSTAIN: None.

And Ordinance 10 of 2016 was adopted this 10th day of January 2017.

Public Hearing on Ordinance 11 of 2016 - An Ordinance Restating Chapter 7 of the Code of Ordinances of the Town of Blanchard, Regarding the Sale of Alcoholic Beverages, and otherwise providing with respect thereto.

Public Hearing opened 7:07 p.m. At that time, Katherine Douthitt explained the amendments to Proposed Ordinance 11 of 2016. There being no further discussion nor comments the hearing closed at 7:08 p.m. Motion by Lee to adopt the Amendments for Ordinance 11 of 2016, second by Fuller. a roll call vote was taken and the following was had:

YEAS: Fuller, Guin, Lee, Umling, and Whittington.

NAYS: None.

ABSENT: None.

ABSTAIN: None.

And the Amendments for Ordinance 11 of 2016 were adopted this 10th day of January 2017.

Vote on Ordinance 11 of 2016 - An Ordinance Restating Chapter 7 of the Code of Ordinances of the Town of Blanchard, Regarding the Sale of Alcoholic Beverages, and otherwise providing with respect thereto.

Ordinance 11 of 2016

An Ordinance Restating Chapter 7 of the Code of Ordinances of the Town of Blanchard, Regarding the Sale of Alcoholic Beverages, and otherwise providing with respect thereto.

WHEREAS, the Town of Blanchard ("Town") has conducted an election pursuant to La. R.S. 26:581, *et seq.*, and the voters have approved the sale of alcoholic beverages of both high and low alcoholic content, for consumption both on and off the premises of sale, within the limits of the Town.

WHEREAS, in connection therewith it is necessary to repeal Ordinance 2 of 1981 and Chapter 7 of the Code of Ordinances of the Town of Blanchard regarding the prohibition of sales of alcoholic beverages, to carry out the recently expressed desires of the citizens of the Town regarding alcohol sales.

WHEREAS, the Mayor and the Board of Alderpersons of the Town desire to enact certain rules and regulations regarding said sales of alcoholic beverages.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the Board of Alderpersons of the Town of Blanchard, Louisiana, in due, legal and regular session convened, as follows:

SECTION 1: The Town, having conducted an election pursuant to La. R.S. 26:581, *et seq.*, and the voters having approved the sale of alcohol within the Town, Ordinance 2 of 1981, and Chapter 7 of the Code of Ordinances of the Town of Blanchard, entitled "Prohibiting the Sale of Alcoholic Beverages," are hereby repealed in their entirety.

SECTION 2: Chapter 7 of the Code of Ordinances of the Town of Blanchard, which shall be entitled "Alcoholic Beverages," is re-stated to read as follows:

ARTICLE A – IN GENERAL.

Section 7.1 – Definitions.

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Alcoholic beverage means any fluid or solid which is capable of being converted into fluid suitable for human consumption, and containing more than one-half of one percent alcohol by volume, including malt, vinous, spirituous, alcoholic or intoxicating liquor, beer, porter, ale, stout, fruit juice, cider or wine.

Alcoholic beverage handling employee means any alcoholic beverage permit holder or employee, agent, partner, or other person connected with or employed by an alcoholic beverage permit holder, who physically handles, sells or serves any alcoholic beverage or container thereof, for consumption on the premises, including, but not limited to, waiters, waitresses, barmaids, bartenders and managers.

Alcoholic beverage permit or permit means a permit required by and issued pursuant to the provisions of this Chapter.

Beverage of high alcoholic content means alcoholic beverage containing more than six percent alcohol by volume.

Beverage of low alcoholic content means alcoholic beverages containing not more than six percent by volume.

Chief of Police as used in this Chapter shall be the person holding the office of chief of police or the person designated by him to act for him.

Motor vehicle means a motorized vehicle designed to convey person from one place to another on public streets and highways.

Open container means any container or receptacle containing any alcoholic beverage; wherein the stamp or seal has been broken, or any container, bottle or can that contains any alcoholic beverage that has been opened subsequent to the filling of such can, bottle or container by the manufactory, brewery or distillery of such alcoholic beverage. Alcoholic beverages contained in drinking glasses, cups, including plastic glasses and styrofoam cups, regardless of whether such containers has a top affixed thereto, shall be deemed an open container.

Premises means the building or the part of the building as defined in the application for the permit in which alcoholic beverages are sold, including any outdoor seating or patio area utilized as part of the premises.

Retail dealer means every person who offers for sale, exposes for sale, has in his possession for sale alcoholic beverages in any quantity to persons other than wholesale or retail dealers.

Special event means any event to which the public is invited, regardless of whether the public must pay admission or purchase a ticket to attend the event, and shall not include any private party.

Town Clerk as used in this Chapter shall be the person holding the office of city clerk or the person designated by him to act for him.

The definitions set forth in R.S. 26:1 (Alcohol Beverage Control Law—Definitions) and R.S. 26:241 (Alcohol Beverage Control and Taxation—Definitions), as amended, shall be effective as definitions of the words, terms and phrases used in this Chapter. All words, terms and phrases used herein, other than those specifically defined elsewhere in this Chapter, shall have the respective meanings ascribed to them in R.S. 26:1 and R.S. 26:241, as amended, and shall have the same scope and effect that the same words, terms and phrases have where used in R.S. 26:1 and R.S. 26:241, as amended.

Section 7.2 – Unauthorized sales.

No person holding a retail dealer's permit for any premises and no agent, associate, employee, representative or servant of the permittee shall sell, offer for sale, possess or permit the consumption on the licensed premises of any kind or type of alcoholic beverages, the sale or possession of which is not authorized under the permit issued pursuant to this Chapter.

Section 7.3 – Prohibited acts of licensed premises; suspension and revocation of permits.

The provisions of La. R.S. 26:90 and 26:286, and all regulations of the State of Louisiana adopted pursuant thereto, as now written or subsequently amended, which govern prohibited acts on licensed premises and the suspension or revocation of permits, are hereby adopted and made applicable to the permitting, distribution, sales, and regulation of alcoholic beverages within the Town, except as such are in conflict or inconsistent with the provisions of this Chapter or as are inapplicable by their nature.

Section 7.4 – Exempt products.

This Chapter shall not apply to any products exempted under the laws of the State of Louisiana, as currently set forth in Louisiana La. R.S. 26:3.

Section 7.5 – Barrel tax.

- (a) There is hereby levied, in addition to all other excises, licenses or privilege taxes presently imposed, a tax on all beer, porter, ale, fruit juices, and wines, having an alcoholic content of not less than one-half of one percent or more than six percent by volume, of \$1.50 per standard barrel of 31 gallons or any like rate of any other quantity, or for the fractional parts of such barrel sold for consumption in the Town.
- (b) The tax levied herein shall be collected by any and all wholesale dealers from their vendees purchasing for consumption in the Town on each sale and shall be remitted by the said wholesale dealers to the Department of Revenue of the State of Louisiana, for each month, on or before the 20th day of each succeeding month, all in accordance with the rules and regulations promulgated by the State.
- (c) The failure of the wholesale dealer to collect and remit the tax levied, when due, or failure to pay the tax when due, by a purchaser for consumption in the Town shall, ipso facto, render each of them liable for the amount of taxes found to be due, together with a penalty of 20 percent of the amount of tax due, plus an additional amount of ten percent of the tax and penalty as attorney's fees if referred to an attorney for collection.

Section 7.6 – Hours of sales.

- (a) Except as otherwise provided herein, it shall be unlawful for any retail or wholesale dealer to be open for business and engaging primarily in the sale of alcoholic beverages pursuant to a permit between the hours of 2:00 a.m. on Sundays and 7:00 a.m. on Mondays, or between the hours of 2:00 a.m. and 7:00 a.m. on any other day of the week. A dealer is considered to be “open for business” when any activity is ongoing in or on the premises, regardless of whether it is making a profit or not.
- (b) The owner, manager and any employee in charge of any permitted establishment shall be held responsible for the closing of the establishment and for keeping the establishment closed as provided in this Section.
- (c) Any person who violates any of the provisions of this Section shall be punished as provided in Section 7.13, and, in addition thereto, any violation of the provisions of this Section shall constitute grounds for the withholding, denial, suspension or revocation of any permit or license for the manufacture, selling, serving or otherwise handling or dealing in of alcoholic beverages of any alcoholic content.
- (d) This section shall not prohibit any business, other than a bar, saloon, or similar establishment, from being open for business during the hours set forth herein for the purpose of the sale of any goods other than any alcoholic beverages.

Section 7.7 – Sunday sales.

Notwithstanding the provisions of Section 7.6, it shall be lawful to sell or dispense alcoholic beverages between the hours of 12:00 noon and 12:00 midnight on Sundays as follows:

- (a) Special Events. Beverages of low alcoholic content may be sold at festivals, fairs and sporting events, as hereinafter described, pursuant to the following:
 - 1) This section shall be applicable to festivals and fairs for the purpose of promoting the arts or community or cultural heritage and to competitive sporting events open to the general public.
 - 2) Persons desiring to sell or dispense beverages of low alcoholic content on Sunday pursuant to this section shall apply for a permit for that purpose pursuant to the provisions of Section 7.37.
 - 3) The fee for said permit shall be as established by the Board of Aldermen, from time to time, and shall be paid to the Town prior to the issuance of the permit.
- (b) Bona Fide Restaurants. Beverages of high and low alcoholic content may be sold for on-premises consumption at any bona fide restaurant, as defined herein, having the appropriate type of permit therefor from the Town of Blanchard, pursuant to the following:

- 1) The sale of alcoholic beverage must be served in the dining area of the restaurant as an accompaniment to food.
 - 2) Restaurants desiring to sell or dispense alcoholic beverages on Sunday pursuant to this paragraph shall apply for a permit for that purpose pursuant to the provisions of Section 7.41.
 - 3) For the purposes of this article, a “bona fide restaurant” is defined as an establishment that (i) is a place of business whose average monthly revenue from food and nonalcoholic beverages exceeds fifty percent of its total average monthly revenue from the sale of food, nonalcoholic beverages, and alcoholic beverages, (ii) serves food on all days of operation, (iii) maintains separate sales figures for alcoholic beverages, (iv) operates a fully equipped kitchen used for the preparation of uncooked foods for service and consumption of such foods on the premises, (v) which has a public habitable floor area of no less than 500 square feet dedicated to the exclusive use of the establishment, and (vi) has been certified by the applicable health department showing compliance with all health and sanitary requirements.
 - 4) No restaurant may serve a type of alcoholic beverage other than one for which it has a permit.
- (c) Off-premises consumption sales. Beverages of high and low alcoholic content may be sold for off-premises consumption by any retail dealer having the appropriate type of permit therefor from the Town of Blanchard, pursuant to the following:
- 1) Businesses desiring to sell or dispense alcoholic beverages on Sunday pursuant to this paragraph shall apply for a permit for that purpose pursuant to the provisions of Section 7.41.
 - 2) No business may sell a type of alcoholic beverage other than one for which it has a permit.

Section 7.8 – Sales to minors prohibited.

- (a) It shall be unlawful to sell, serve or dispense alcoholic beverages of low or high alcoholic content to any person under 21 years of age.
- (b) If there is any doubt as to whether a person is 21 years of age, the owner, proprietor or bartender of the establishment involved shall require reputable evidence, including witnesses, if necessary, to establish the fact that such person in question is 21 years of age or older.
- (c) Every business dealing in alcoholic beverages where same are permitted to be sold, served or dispensed shall have a sign displaced in a prominent place, clearly visible to all, stating that no alcoholic beverages of low or high alcoholic content will be sold, served or dispensed to persons under 21 years of age. Such signs shall be not less than two feet long and one foot wide, in prominent letters sharply contrasting in color with the background of the sign.

Section 7.9 – Open containers prohibited.

- (a) It shall be unlawful for any person to drink, consume, or possess an alcoholic beverage in an open container in any motor vehicle when such vehicle is upon public streets, parks, or highways, or on any parking lot, street, sidewalk, alley, or any other public place in the Town.
- (b) It shall be unlawful for the owner of any motor vehicle to keep or allow to be kept in said private motor vehicle, any alcoholic beverages in an open container, when such is upon the public streets, parks, or highways, or in any parking lot, street, sidewalk, alley, or any other public place in the Town.
- (c) It shall be unlawful to drink, consume, or possess an alcoholic beverage in an open container in any public place in the Town, including without limitation any building, parks, parking lots, stadiums, or any place of amusement holding an occupational license from

the Town, including without limitation skating rinks, bowling alleys, theaters, dance halls, pool halls, or other place of business where the public is invited, unless such business maintains an appropriate permit for the sale of alcoholic beverages from the Town.

Section 7.10 – Sale of alcohol for on-premises consumption where fuel sold prohibited.

It shall be unlawful for any person to sell or otherwise dispose of alcoholic beverages, for on premises consumption, at any place or establishment where gasoline or motor fuel is sold. The term “any place or establishment” means the entire business premises including the parking area. It shall not be a defense that payment for gasoline and motor fuel is made at place on this premises separate from that where alcoholic beverages and other merchandise is purchased.

Section 7.11 – Inspection.

Any place, premises, or business where alcoholic beverages are sold, distributed or handled may be inspected by authorized representatives of the Town, at any time and from time to time as the Town deems necessary and acceptable, for the sole purpose of determining whether the place, premises, or business is operating as permitted. The inspection shall include, but is not limited to, the inspection of business records, coolers, and storage rooms. No person shall refuse to allow such authorized representatives of the Town to make such an inspection.

Section 7.12 – Reports by Chief of Police.

The Chief of Police shall submit a quarterly report to the Board of Aldermen showing the number of arrests made or summonses issued for violation of this Chapter. The Chief of Police shall also provide a quarterly report to the Board of Aldermen of permit holders who have been cited for two or more violations of this Chapter within the preceding 12 calendar months.

Section 7.13 – Penalty.

The violation of any provision of this Chapter, whether by act or omission, shall be a misdemeanor punishable by a term of imprisonment of up to 30 days or a fine of up to \$500.00 or both, except where otherwise provided, and the Town, in its sole discretion, may also suspend or revoke the permit or other license issued by the Town pursuant to this Chapter 7. Each day any violation of any provision of this Chapter continues shall constitute a separate offense.

Sections 7.14 – 7.19 Reserved.

ARTICLE B – DEALER’S PERMIT.

Section 7.20 – Permit required.

No person shall engage in the business of dealing in alcoholic beverages without a permit to do so from the Town. Separate permits shall be required for each place of business operated by a retail or wholesale dealer.

Section 7.21 – Classes of permit.

(a) *Beverages of high and low alcoholic content.* There are two classes of permits for the sale of alcoholic beverages of both high and low alcoholic content:

- 1) *Wholesale permit* – for dealers selling such beverages at wholesale;
- 2) *Class A retail dealer’s permit* – for dealers selling at retail for on or off premises consumption.

(b) *Beverages of low alcoholic content only.* There are three classes of permits for the sale only of alcoholic beverages of low alcoholic content:

- 1) *Wholesale permit* – for dealers selling such beverages at wholesale;
- 2) *Class B retail dealer’s permit* – for dealers selling at retail for on or off premises consumption; and
- 3) *Class C retail dealer’s permit* – for dealers selling at retail for off premises consumption only.

Section 7.22 – Notice of application.

Prior to making an initial application for a retail dealer's permit, an applicant shall have published an appropriate signed notice, similar to the following, in the official journal of the Town: "I am applying for a permit to sell alcoholic beverages at retail at following address: _____ in the Town of Blanchard, Parish of Caddo, Louisiana." The publication of such notice shall not be required for the renewal of an existing permit.

Section 7.23 – Application for permit.

- (a) Unless specified elsewhere in this Chapter, any application for an alcoholic beverage permit shall be made on the forms supplied by the Town. The form shall include the full name of the applicant, his correct residential municipal address, an accurate description and correct municipal address of the premises where alcoholic beverages are to be sold, and a sworn statement of the applicant that all of the information in the application is true and correct and that the applicant meets the qualifications and conditions prescribed by state law for the type and class of permit for which the application is made.
- (b) In addition, the applicant shall file, as part of the application:
 - 1) A list of all natural persons, or other recognized legal entities, financially interested in any way in the business.
 - 2) A notarized copy of the advertisement placed in the newspaper as required by R.S. 26:77 and 26:277.
 - 3) If the applicant is a recognized legal entity, then the applicant must designate an individual as its authorized representative.
 - 4) A copy of valid picture identification card for the applicant or its authorized representative, if the applicant is an entity.
 - 5) A list of all persons the applicant will use in conducting the business, whether wholly or partly, including the full names and addresses, along with any other information required by state law, for each person listed.
- (c) The application, together with certified funds in the proper amount, payable to the Town, shall be submitted to the Town Clerk.
- (d) Any misstatement or suppression of fact in any permit application (including renewal) or accompanying affidavit shall be grounds for denial, withholding, or suspension of a permit by the Town.

Section 7.24 – Fees.

The fees for each type and class of permit shall be established from time to time by resolution of the Board of Aldermen. All fees paid are non-refundable. After July 1 of any year, only one-half of the permit fee will be charged by the Town.

Section 7.25 – Eligibility.

Any applicant for any permit required under this Chapter shall meet the qualifications and conditions prescribed by state law for that particular type and class of permit for which the application is made. If an applicant is a business entity, then the designated authorized representative shall also meet the qualifications and conditions prescribed by state law for that particular type and class of permit for which the application is made.

Section 7.26 – Restrictions on location of permitted premises.

- (a) No dealer shall sell, serve or dispense alcoholic beverages, and no permit shall be granted therefor, when the business operates within any of the following:
 - 1) 300 feet of any public playground or building used exclusively as a church, synagogue, public library, school (except a school for business education conducted as a business college or school), day care center, or a correctional facility housing inmates, including without limitation any halfway house;
 - 2) Property zoned such that alcoholic beverage sales are prohibited, unless the restriction be removed by the zoning authority.

- (b) Measurement of this distance shall be as provided by state law. Applicability of the statute will depend upon whether the alcoholic beverage to be sold is of high or low alcoholic content.

Section 7.27 – Approval of application.

- (a) Each application submitted to the Town shall be fully investigated by the Chief of Police to determine that the applicant meets all of the prescribed qualifications under state law for the permit and has complied with all applicable provisions of this Chapter, which investigation shall be conducted in their sole discretion. As part of the investigation, the applicant shall be fingerprinted and photographed by the Chief of Police, and shall furnish any additional information requested by the Chief of Police.
- (b) Once the Chief of Police has completed his investigation and is fully satisfied that the applicant meets all of the prescribed qualifications under state law for the permit and has complied with all applicable provisions of this Chapter, the Chief of Police shall certify his approval of the application to the Town Clerk.
- (c) If the Chief of Police disapproves the application, he shall notify the applicant in writing and state the reasons for such disapproval. Any applicant aggrieved by the decision of the Chief of Police may, within ten days from the date such decision was rendered, appeal to the Board of Aldermen by filing a written request with the Town Clerk for review of such decision. The Board of Aldermen shall hold a hearing regarding the appeal within 30 days of the applicant's request. After hearing the appeal, the Board of Aldermen may, by a majority vote of the entire body, reverse the decision of the Chief of Police.
- (d) The procedures and reasons for refusing to issue a permit shall be the same as provided by state law, depending upon the alcoholic content of the alcoholic beverage permit involved.

Section 7.28 – Issuance of permit.

Upon approval of the application by the Chief of Police and receipt of his certification of the same, the Town Clerk shall issue the permit. If the Town Clerk refuses to issue the permit, the applicant may file a written request with the Town Clerk for review of the decision by the Board of Aldermen. The Board of Aldermen shall hold a hearing regarding the appeal within 30 days of the applicant's request. After hearing the appeal, the Board of Aldermen may, by a majority vote of the entire body, cause the Town Clerk to issue the permit.

Section 7.29 – Denial based on public health, morals, safety and peace.

If, from specific facts determined by the Town, it can be reasonably anticipated that the issuance of a permit to engage in the business of dealing in alcoholic beverages will have an adverse effect upon the public health, morals, safety or peace, the Town may deny the issuance of such permit. In determining whether it can be reasonably anticipated that the issuance of a permit to engage in the business of dealing in alcoholic beverages will have an adverse effect upon public health, morals, safety or peace, in addition to the factors set forth in R.S. 26:1, *et seq.* and this Chapter. The Town may consider the following as grounds to deny an application for such a permit:

- (a) Undue congestion of streets and traffic access;
- (b) Land or building usage which is, or may become, incompatible with existing character or usage of the neighborhood;
- (c) An oversupply of types of land use or zoning in proportion to population, land use and public facilities in the neighborhood;
- (d) Adverse effect upon reliance that neighboring property owners or occupants have placed upon existing zoning patterns; and
- (e) Creation of a spot zone, that is, an incompatible or unrelated classification which would prevent the normal maintenance and enjoyment of adjacent properties.

Section 7.30 – Term of permit.

Any permit issued by the Town pursuant to this Article shall be valid for the calendar year in which it was issued, and shall expire on the last day of the calendar year for which it was issued, unless sooner suspended or revoked.

Section 7.31 – Renewal of permit.

- (a) Any permit issued by the Town pursuant to this Article must be renewed annually for the upcoming calendar year, between November 1 and December 1 of the current year. The application and procedures for renewal of permits shall be the same as the initial permit application, except without the requirement for publication of notice.
- (b) If a dealer fails to renew the application timely, there shall be added to the renewal fee a delinquency penalty of 20 percent of the original fee.
- (c) If any permittee fails to file his renewal application and pay the fee before December 31, the permittee shall lose the privilege of conducting a business dealing in alcoholic beverages until the permittee applies for and had approved a new permit application, pays the initial permit fee plus the delinquency penalty set forth in subsection (b) hereof, and has been issued a new permit pursuant to this Article.

Section 7.32 – Display.

Any permit issued pursuant to this Article shall be prominently displayed in the licensed premises, so as to easily be seen and read by the public. The failure of the permittee to publicly display a permit as required by this Section shall be grounds for the withholding, suspension or revocation of the permittee's permit.

Section 7.33 – Transferability; assignability.

Any permit issued pursuant to this Article shall be personal to the person acquiring it, and it shall not be assignable, transferable or heritable.

Section 7.34 – Change of location.

- (a) A dealer in alcoholic beverages shall conduct his business only in the licensed premises, and no permit issued hereunder shall authorize the conducting of business in any changed location, except upon application for amendment of the permit submitted to the Town Clerk who may, with the concurrence of the Chief of Police, grant or deny the amendment as they deem advisable.
- (b) The written notice from the Town authorizing the change in location, shall become an amendment to the permit, and shall be displayed in view of the public the same as the permit.
- (c) A permittee aggrieved by the decision of the Town may, within ten days of the date such decision was rendered, appeal to the Board of Aldermen, by filing a written request with the Town Clerk within 10 days of the decision for review of such decision. The Board of Aldermen shall within 30 days hold a hearing thereon. After hearing the appeal, the Board of Aldermen may, by majority vote of the entire body, reverse the decision of the Town Clerk and Chief of Police.

Section 7.35 – Suspension and revocation of permit.

- (a) In addition, it shall be grounds for the suspension or revocation of an alcoholic beverage permit issued under this Article, whenever there is found to exist any of the following:
 - 1) If the applicant, or any of the persons who must possess the same qualifications, fails to possess the qualifications required by R.S. 26:80 and 26:280 at the time of the application.
 - 2) Any misstatement or suppression of fact in the application for the permit or any renewal thereof.
 - 3) If the permit was issued to an interposed person in contravention of La. R.S. 26:83.
 - 4) If the permit was granted to any person who is or has been engaged in an alcoholic beverage business with a person whose application for a permit has been denied or whose permit has been revoked.

- 5) If a permittee or any person listed in of R.S. 26:80B has materially violated any provisions of this Chapter or state law.
 - 6) If, without a proper license, a permittee allows any person to consume any alcoholic beverage on the licensed premises or on any parking lot or open or closed space within or contiguous to the licensed premises.
 - 7) If, from specific facts of record before the Board of Aldermen, it can be reasonably anticipated that the continued exercise of the rights granted under the permit will have an adverse effect upon the public health, morals, safety, or peace.
 - 8) If any dealer or any person listed in La. R.S. 26:80B violates or has violated any provision of this Chapter.
 - 9) If the holder of any retail dealer's permit, or his agent, employee, or representative allows the placement or operation of a video draw poker device upon his licensed premises in violation of La. R.S. tit. 33, ch. 15, part V-B.
 - 10) If the permittee fails to pay any sales or use taxes due.
 - 11) If the permittee's permit issued by the State of Louisiana is suspended or revoked.
- (b) Before any alcoholic beverage permit is suspended or revoked, the permittee shall be entitled to a hearing before the Board of Aldermen. No permit shall be revoked unless a hearing has been held, and a majority of the Board of Aldermen votes for such suspension or revocation, except where the permittee's permit issued by the State of Louisiana has been suspended or revoked. In that instance, the permittee's permit issued by the Town shall be automatically suspended or revoked contemporaneously with the State suspension or revocation and may be restored to the permittee at such time as the State restores or reissues its permit.
 - (c) A notice shall be served by registered mail, or in person, by an officer or employee of the Town, upon the permit holder or his agent or employee. The notice shall state the time and place of the hearing to be held, which shall be not less than ten calendar days from the date such notice is given. The notice shall enumerate the cause or causes for suspending or revoking the permit.
 - (d) The permittee shall have the right, personally, or through counsel or his agent, to appear and present evidence relevant and material to the issues involved the same as a judicial proceeding.
 - (e) In the event of revocation or suspension, the permittee may appeal to the courts as provided by law.
 - (f) Written notice of the revocation or suspension shall be forwarded to the appropriate state agency.
 - (g) If a permittee holds more than one permit and any one of them is suspended or revoked, the Town may suspend or revoke all of his permits.
 - (h) When a permit is revoked for any legal cause, the Board of Aldermen may, at the same time and in its sole discretion, order that no alcoholic beverage permit shall be used covering the same premises until one year after the date of revocation.
 - (i) Notwithstanding anything contained herein to the contrary, conviction by a court of violation of the provisions of this Chapter is not a condition precedent to the refusal, suspension, or revocation of a permit under this Chapter for a violation of any of the provisions of this Chapter. When there has been a previous criminal prosecution of the same or similar act upon which the refusal, suspension, or revocation of a permit is being considered, evidence of an acquittal in a court of competent jurisdiction is admissible in a proceeding before the Board of Aldermen. The Board of Aldermen shall withhold, suspend, or revoke permits for violations of this Chapter, regardless of any prosecution in the court or of the result of any such prosecution.

- (j) In determining cases involving the suspension or revocation of permits, if the Board of Aldermen finds that the violation is of a minor nature, or that there are extenuating circumstances, or that there are reasonable grounds to expect that the permittee will not again violate any of the provisions of this Chapter, the Board of Aldermen may impose a fine or suspend the permit for such time as it thinks proper, not to exceed 365 days. If the permit holder has previously been fined or had a permit suspended or revoked, whether by state or local authorities, or if the violation is flagrant or serious, or in the case of multiple violations in a 365 day period, the Board of Aldermen may revoke the permit. The Board of Aldermen shall thereafter immediately notify the permit holder, state authorities, and the Chief of Police of its action. The Board of Aldermen shall retain jurisdiction to reopen cases at any time upon petition or on its own discretion, and for good cause shown may modify, revise or reverse its former findings and decisions and all such reopened cases shall be heard and determined under the same rules of procedure as original cases.

Section 7.36 – Suspension and revocation not exclusive; other penalties.

- (a) Notwithstanding any other provisions of this Chapter to the contrary, the Board of Aldermen may in lieu of or in addition to revocation or suspension of a permit issued under the authority of this Article, impose a fine of \$500.00 for each offense of this Article in connection therewith.
- (b) The revocation or suspension of a permit is in addition to and not in lieu of or limitation of any other penalty imposed by law.
- (c) For purposes of this Article, the term “offense” shall mean each violation of this Article which the Board of Aldermen finds has occurred, and each day any violation of any provision of this Chapter continues shall also constitute a separate offense. More than one offense may be considered by the Board of Aldermen in a single hearing. The term “year” shall mean 365 consecutive days.

Section 7.37 – Special events permit.

- (a) A special events permit authorizes the holder to sell or dispense alcoholic beverages for consumption at a special event, as defined herein, upon a designated premises for a limited period of time, excluding Sundays. Any individual, social, fraternal, civic, political or patriotic organization or business entity organized under the laws of the state or qualified to do business within the state are eligible for a special events permit.
- (b) An application for a special events permit, together with the applicable fee therefor, must be received by the Town Clerk at least 30 days prior to the date for which the permit is requested. The application must be signed by both the president and secretary of the organization or business entity applying for the permit, if applicable. A sworn affidavit confirming compliance with all applicable provisions of this Chapter and state law must accompany the application, together with a certified copy of the resolution of the board of directors or other managing body authorizing the application, if applicable.
- (c) The Chief of Police shall approve the application without delay when he determines, in his discretion, that the applicant meets the prescribed qualifications for the permit and has complied with all applicable provisions of this Chapter and state law. If the Chief of Police disapproves the application, he shall notify the applicant in writing and state the reasons for such disapproval. Any applicant aggrieved by the decision of the Chief of Police may, within five days from the date such decision was rendered, appeal to the Board of Aldermen by filing a written request with the Town Clerk for review of such decision. The Board of Aldermen shall hold a hearing thereon at its next regularly scheduled meeting following the denial of the application, or at such other prior time, in their sole discretion and availability. After hearing the appeal, the Board of Aldermen may, by a majority of the entire body, reverse the decision of the Chief of Police.

- (d) No special events permit shall be granted when the designated premises for the special event is prohibited for special events or to have alcoholic beverages located thereon under state law or other applicable provisions of this Chapter or other Town law. Nothing herein shall prohibit special events permits for alcoholic beverages to be granted for the Poke Salad Festival site.
- (e) Upon approval of the application and payment of the prescribed fee, a special events permit shall be issued for a duration of up to three consecutive days.
- (f) If the special event is held on a Sunday, a separate Sunday special events permit must be obtained to serve beverages of low alcoholic content only between the hours of 12:00 noon and 12:00 midnight on any Sunday, as set forth in Section 7.37 hereof. The application and granting procedure for a Sunday special events permit shall be the same as for a special events permit covering other days of the week. A Sunday special events permit shall be issued for a duration of up to 12 hours between 12:00 noon and 12:00 midnight on such Sunday.
- (g) Any special events permit must be surrendered to the Town Clerk, its agent, or the law enforcement agency approving the permit, within 48 hours of its expiration time. Failure to surrender the permit is cause, in the discretion of the Town, for denial of applications for permits made in the future by the organization or business entity. No more than five special events permits may be granted to an individual, organization or business entity, including its auxiliary, in any one calendar year.
- (h) No special events permit may be transferred or renewed.
- (i) The fee for any special events permit shall be established from time to time by resolution of the Board of Aldermen. All fees paid are non-refundable.

Section 7.38 – Maintenance of premises.

The entire licensed premises, including any parking or adjoining areas, for which a permit has been issued must be kept in clean, neat and orderly condition, both on the interior and exterior, and comply with all Town laws and regulations regarding such condition. The failure of any permittee to maintain the premises as such shall be grounds for the suspension or revocation of its permit.

Section 7.39 – Gaming.

No person holding a permit issued pursuant to this Chapter, and no agent, associate, employee, representative, or servant of the permittee, shall permit any gaming by patrons, members of the public, employees, or agents on the licensed premises, except as such gaming has been licensed by the State of Louisiana.

Section 7.40 – Transition for Annexed Properties.

In the event that any person, who by virtue of an annexation of his property into the town limits or otherwise becomes required to obtain a permit for the sale of alcoholic beverages in the Town of Blanchard, has already obtained a similar permit for the sale of alcoholic beverages from the Parish of Caddo for the year 2017, then that parish permit shall be honored by the Town of Blanchard for the remainder of the year 2017 and that person shall not be required to obtain a separate permit from the Town for the year 2017.

Section 7.41 – Permit for Sunday sales.

As set forth in Section 7.7 hereof, bona fide restaurants and businesses engaging sales of alcoholic beverages for off-premises consumption meeting the requirements set forth in this section may apply for a permit to serve alcoholic beverages between the hours of 12:00 noon and 12:00 midnight on Sundays. The application and granting procedure for such a Sunday permit shall be the same as for a dealer's permit, except as otherwise specified herein.

- (a) Any applicant for a Sunday sales permit shall furnish, in addition to all information typically required for a permit, proof of issuance of all applicable dealer's permits, and for a bona fide restaurant, all such necessary information to establish itself as a bona fide

restaurant as defined herein, including without limitation information relative to its operations, gross sales, along with copies of the applicant and/or applicant owner's state and federal income tax returns.

- (b) In the event that a restaurant does not qualify as or ceases to be qualified as a bona fide restaurant, a permit for Sunday sales shall be denied, withheld, suspended or revoked. In the event that a restaurant is a new restaurant without any prior business experience on which to determine gross revenues, the Chief of Police may issue a temporary permit for Sunday sales, which shall be valid for 60 days to allow the restaurant to establish itself as a bona fide restaurant.
- (c) If a restaurant with a separate cocktail lounge desires to sell alcoholic beverages pursuant to this subsection, it must close and lock the cocktail lounge at 2:00 a.m. on Sunday and not reopen the cocktail lounge until 7:00 a.m. on Monday. However, the cocktail lounge may provide beverage service for the dining area of the bona fide restaurant permitted to serve alcoholic beverages on Sundays.
- (d) The fee for any permit for Sunday sales shall be established from time to time by resolution of the Board of Aldermen. All fees paid are nonrefundable.

Sections 7.42 – 7.49 Reserved.

Article C – Alcoholic Beverage Handling Employee Card.

Section 7.50 – Card required.

- (a) It shall be unlawful for any permittee to allow any employee to handle, sell or serve any alcoholic beverage on any premises for which a permit is required by this Chapter unless such employee is in possession of an alcoholic beverage handling employee card issued pursuant to this Article. Before employing a person to handle, sell or serve alcoholic beverages, the permittee shall notify the Town Clerk and the Chief of Police of the intended employment, and shall have such person obtain an alcoholic beverage handling employee card prior to handling, selling or serving alcoholic beverages on premises for which a permit is required by this Chapter.
- (b) It shall be unlawful for any employee to handle, sell or serve any alcoholic beverage for consumption on premises for which a permit is required by this Chapter unless such employee has on his or her person a current valid alcoholic beverage handling employee card and displays it upon the request or demand of any law enforcement officer or agent. Such employee's failure to carry the card or display it to any law enforcement officer or agent shall be grounds for the suspension or revocation of the alcoholic beverage handling employee card and/or of the permittee's permit issued pursuant to this Chapter. In the event that the employee does not have the card on his or her person, but the employer has a copy of the card on file, the employer shall not be deemed to have violated this provision.

Section 7.51 – Application for card.

- (a) Unless specified elsewhere in this Chapter, any application for an alcoholic beverage handling employee card shall be made on the forms supplied by the Town. The form shall include the full name of the card applicant, his or her current residential municipal address, and a sworn statement of the applicant that (i) all of the information in the application is true and correct, (ii) the applicant meets the qualifications and conditions prescribed by this Article and state law, and (iii) the applicant has read and is familiar with and will comply with the requirements of this Chapter.
- (b) The application, together with certified funds in the proper amount, payable to the Town, shall be submitted to the Town Clerk.
- (c) Any misstatement or suppression of fact in an application (including renewal) or accompanying affidavit shall be grounds for denial, withholding, or suspension of an alcoholic beverage handling employee card by the Town.

Section 7.52 – Fee.

The fees for an alcoholic beverage handling employee card shall be established from time to time by resolution of the Board of Aldermen. All fees paid are non-refundable.

Section 7.53 – Qualifications of applicant.

- (a) Any applicant for an alcoholic beverage handling employee card shall meet the following qualifications and conditions:
 - 1) He must be a person of good character and reputation and 18 years of age or older.
 - 2) If the person has been convicted of a felony under the laws of the United States, the State of Louisiana or any other state or country, at least five years must have passed since the expiration of the sentence given for the conviction of the felony, including probation and parole. This provision shall not apply to a conviction for which the applicant has received a first offense pardon under the laws of the state.
 - 3) He has not been convicted within the last two years in this or in any other state or by the United States or any other country of soliciting for prostitution, pandering, letting premises for prostitution, contributing to the delinquency of juveniles, keeping a disorderly place, letting a disorderly place, illegally dealing in controlled dangerous substances or any violation of the controlled dangerous substance statutes.
 - 4) He must not have been convicted of any offense within the last two years of violating any of the provisions of this Chapter.
 - 5) He must not have had a dealer's permit revoked in the last year which was issued in his name or in the name of any business entity of which he had an ownership interest.
 - 6) He must not have had an alcoholic beverage handling employee card revoked within the last year.
 - 7) A new applicant must have completed, or must complete within 30 days of the issuance of an alcoholic beverage handling employee card, a responsible alcohol service program approved by the Chief of Police. In addition, all applicants shall complete a recertification program every four years after the initial program.
- (b) If the applicant for an alcoholic beverage handling employee card does not possess these required qualifications, the permit shall be denied.

Section 7.54 – Issuance of card.

- (a) Upon finding an applicant to be qualified and approval of the application, the Chief of Police shall issue an alcoholic beverage handling employee card to the applicant. Any card issued pursuant to this Article shall contain a picture of the person to whom it is issued.
- (b) If the Chief of Police finds that the applicant is not qualified, he shall deny the issuance of the card and notify the applicant in writing of the denial with reasons therefor. A person whose card application is denied may appeal the denial to the Board of Alderman by filing a request for an appeal with the Town Clerk within 10 days of the denial decision. The Board of Aldermen shall within 30 days hold a hearing thereon. After hearing the appeal, the Board of Aldermen may, by majority vote of the entire body, reverse the decision of the Chief of Police.
- (c) Any person denied an alcoholic beverage handling employee card shall not be allowed to reapply for such card for at least six months from the date of denial.
- (d) The approved application of any card holder, along with all other information gathered or obtained in the approval process, including without limitation any fingerprints of such applicant, shall be maintained by the Town for the time proscribed under state law.

Section 7.55 – Term of card.

An alcoholic beverage handling employee card shall be valid for two years from the date of issuance, and shall expire at the conclusion of the period.

Section 7.56 – Renewal of card.

An alcoholic beverage handling employee card must be renewed prior to its expiration. The application and procedures for renewal of an alcoholic beverage handling employee card shall be the same as the initial card application.

Section 7.57 – Validity.

An alcoholic beverage handling employee card shall be good and valid for use on the premises of any alcoholic beverage permittee, provided that the permittee has notified the Chief of Police of the name and address of the alcoholic beverage handling employee card holder prior to the employee's employment.

Section 7.58 – Transferability; assignability.

Any permit issued pursuant to this Article shall be personal to the person acquiring it, and it shall not be assignable, transferable or heritable.

Section 7.59 – Suspension and revocation of card.

- (a) An alcoholic beverage handling employee card may be suspended or revoked by the Chief of Police if, at any time, the holder thereof fails to meet the qualifications set forth in this Article or if he violates any provision of this Chapter.
- (b) Before any alcoholic beverage handling employee card is suspended or revoked, the holder thereof shall be given notice of his right to a hearing before the Chief of Police. Such notice shall inform the card holder of the reasons for which the Chief of Police proposes to suspend or revoke the card and shall inform the card holder that, unless a hearing is requested within 10 days from the date the notice is sent, the Chief of Police will suspend or revoke the card. Such notice shall be delivered either personally to the card holder or shall be sent by registered mail to the card holder's last known address. In the event a hearing is not requested within 10 days of the date of such notice, the Chief of Police may proceed to revoke or suspend the alcoholic beverage handling employee card. In the event a hearing is requested by the card holder, the Chief of Police shall inform the card holder of the date of such hearing, which hearing shall be held within 10 days of the date of the request for a hearing.
- (c) The holder of an alcoholic beverage handling employee card who feels aggrieved by a decision of the Chief of Police in suspending or revoking such card may, within 10 days of the notification of the decision of the Chief of Police, appeal to the Board of Aldermen. The decision of the Chief of Police shall be affirmed, unless a majority of the Board of Aldermen, at a hearing on such appeal, votes to overrule or modify the action of the Chief of Police.

Sections 7.60 – 7.69 Reserved.

Article D - Alcoholic Beverage Control Board.

Section 7.70 – Authority to appoint.

- (a) The Board of Aldermen, in its discretion, may serve as the Alcoholic Beverage Control Board ("ABCB"), or may, by resolution, establish a separate independent ABCB and shall appoint five members for such terms as may be determined by the Board of Aldermen. A member whose term has expired shall continue to serve until his or her successor is appointed in the manner as herein provided.
- (b) In the event of death or resignation of a board member prior to expiration of his or her term, a successor shall be appointed for the unexpired term in the same manner as the deceased or retiring board member was appointed, and shall take office immediately upon appointment. Such successor board member shall be eligible for reappointment to a full term.
- (c) No person shall be appointed to the ABCB unless he or she is a resident of the Town. Members of the ABCB shall administer the laws governing the alcoholic beverages as enacted by the State of Louisiana and the Town.
- (d) The Board of Aldermen may terminate the ABCB by resolution.
- (e) The ABCB shall have no legislative powers; however, the Board of Alderman may

delegate any other powers to the ABCB as it, in its sole discretion, deems necessary and appropriate.

SECTION 3: 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 effect without the invalid provisions, items or applications and to this end the provisions of this ordinance are hereby declared severable.

SECTION 4: All ordinances or resolutions or parts thereof in conflict herewith are hereby repealed.

SECTION 5: This ordinance shall become effective on January 31, 2017.

Said Ordinance having been introduced on the 13th day of December, 2016, by Lee, notice of a public hearing having been published, said public hearing having been held, the title having been read and the Ordinance considered, on motion of Fuller to adopt the ordinance as amended, seconded by Whittington, a roll call vote was taken and the following was had:

YEAS: Fuller, Guin, Lee, Umling, and Whittington.

NAYS: None.

ABSENT: None.

ABSTAIN: None.

And Ordinance 11 of 2016 was adopted this 10th day of January, 2017.

Resolution 1 of 2017 –A Resolution to Declare Three 2009 Ford F-150 Trucks and a 2012 Ford F-150 Truck Surplus, Providing the Means of Sale and Establishing a Minimum Price for Said Vehicles, and otherwise providing with respect thereto.

Resolution 1 of 2017

A Resolution to Declare Three 2009 Ford F-150 Trucks and a 2012 Ford F-150 Truck Surplus, Providing the Means of Sale and Establishing a Minimum Price for Said Vehicles, and otherwise providing with respect thereto.

WHEREAS, the Utility Department of the Town of Blanchard (“Town”) has removed from service that certain 2009 Ford F-150 (“Vehicle”), VIN 1FTPF12V19KC82338, known as Unit #1 with 95,043 miles; and

WHEREAS, the Utility Department of the Town of Blanchard (“Town”) has removed from service that certain 2009 Ford F-150 (“Vehicle”), VIN 1FTRF12W39KA89092, known as Unit #5 with 85,571 miles; and

WHEREAS, the Utility Department of the Town of Blanchard (“Town”) has removed from service that certain 2009 Ford F-150 (“Vehicle”), VIN 1FTPF12V39KC82339, known as Unit #9 with 103,119 miles; and

WHEREAS, the Utility Department of the Town of Blanchard (“Town”) has removed from service that certain 2012 Ford F-150 (“Vehicle”), VIN 1FTMF1CMXCKD31584, known as Unit #16 with 97,052 miles; and

WHEREAS, the Town has no use for any of these Vehicles; and

WHEREAS, the Town wishes to declare that the Vehicles are no longer needed, for Public Purposes, and wishes to sell the Vehicles and establish a means of sale of such property pursuant to LA. R.S. 33:4712 and other applicable law;

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Blanchard, in due, legal and regular session convened, as follows:

Section 1. The Vehicles are hereby declared no longer needed for public purposes.

Section 2. The Vehicles shall be sold for a minimum as stated:

a. VIN # 2338 \$ 6,000.00

- b. VIN # 9092 \$ 6,000.00
- c. VIN # 2339 \$ 6,000.00
- d. VIN # 1584 \$ 8,000.00

to any private or public person or entity at a public or private sale on a date to be set with an auctioneer retained by the Town. The prices shall remain in effect until April 30, 2017.

Section 3. 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 that can be given effect without the invalid provisions, items or applications and to this end the provisions of this resolution are hereby declared severable.

Section 4. All resolutions or parts hereof in conflict herewith are hereby repealed.

Motion to accept Resolution 1 of 2017 made by Whittington. Second by Fuller. Vote was:

YEAS: Fuller, Guin, Lee, and Whittington.

NAYS: Umling.

ABSENT: None.

ABSTAIN: None.

Resolution 1 of 2017 was adopted this 10th day of January 2017.

Ordinance 8 of 2016 will be on Workshop Agenda for January 24, 2017 for discussion. It was tabled at November 10, 2016 Council meeting. A public hearing was held at December 13, 2016 Council meeting and then postponed until workshop.

No action required at this time.

Motion by Lee to suspend the rules and add a matter not on the agenda under New Business as line item 3, which is Resolution 3 of 2017 – a Resolution Authorizing the Cancellation of Adjudications of Certain Properties by the Town Due to Correction of Tax Rolls, and otherwise providing with respect thereto. Second by Whittington. Open for public hearing 7:45 p.m., there being no comments, hearing closed 7:46 p.m. The motion moved to a roll call vote and the following was had:

YEAS: Fuller, Guin, Lee, and Whittington.

NAYS: Umling.

ABSENT: None.

ABSTAIN: None.

Since the motion to amend the agenda requires an unanimous vote, the motion dies.

New Business

Travis Morehart with Cook & Morehart presenting Audit for 2015-2016.

Mr. Morehart pointed out that the Council cannot pass a budget in the negative. He also pointed out that Blanchard Utilities only gained \$48,756 for the entire year while the Governmental side had a loss of \$21,396 for the year. After much discussion, motion by Whittington and second Guin to accept the audit as presented. All voted yea.

Resolution 2 of 2017- A Resolution Setting Fees for Zoning Applications and Alcohol-Related Applications for Licenses and Permits and otherwise providing with respect thereto.

Resolution 2 of 2017

A Resolution Setting Fess for Zoning Applications and Alcohol-Related Applications for

Licenses and Permits and otherwise providing with respect thereto

WHEREAS, the Board of Alderman (“Board”) of the Town of Blanchard (“Town”) has passed Ordinances Nos. 10 and 11 of 2016 (the “Ordinances”) to implement the effect of an election approving the sale of alcoholic beverages in the Town; and

WHEREAS, each of the Ordinances authorizes the Board to establish fees for various applications relating to zoning in general and the sale of alcoholic beverages specifically;

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Blanchard, in due, legal and regular session convened, as follows:

Section 1. The Board hereby sets the fee for applications for zoning changes and approvals at \$200.

Section 2. The Board hereby sets the fees for licensing and permits related to the sale of alcoholic beverages as follows:

Type of Permit	Fee
Any Permit for Sales of Beverages of High and Low Alcoholic Content	\$250
Any Permit for Sales of Beverages of Low Alcoholic Content Only	\$60
Permit for Sales at a Special Event	\$100
Permit for any Sunday Sales	\$50
ABO Card	\$25

Section 3. 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 that can be given effect without the invalid provisions, items or applications and to this end the provisions of this resolution are hereby declared severable.

Section 4. All resolutions or parts hereof in conflict herewith are hereby repealed.

Section 5. This resolution shall become effective immediately.

Motion to accept Resolution 2 of 2017 made by Whittington. Second by Guin. All voted yea. And Resolution 2 of 2017 was adopted this 10th day of January, 2017.

Report of Departments

Buildings and Grounds

Umling-nothing to report.

Streets and Rights of Way

Whittington-Parish will be shutting down the bridges near Blanchard Furrh and Walter B. Jacobs

Water Department

J. Fuller-Standpipe work will start around January 16, 2017. Will be going out for bids on the Sludge project in January.

Sewer Department

Guin-nothing to report.

Police Department

Chief-getting internet to computer that will be used for the ABO ID cards.

Treasurer Report

Lee-Three people on Wasson Road are interested in annexing so she gave them the packet with the necessary information.

Comments by the Mayor

Mayor reported:

- a. Letters are being sent to local businesses to encourage them to meet with the Economic Committee at the end of the month to see how the Town can help the businesses with sales.
- b. Letters are also being sent out regarding junk, abandoned vehicles, etc. Please report anything to the Mayor so these type of problems can be addressed.
- c. Taste of Blanchard Chili Cook-Off will be at Donnie Bickham. Free admission and Town is a co-sponsor.

Motion by Lee to adjourn, second by Fuller. All voted yea. Meeting adjourned 8:10 p.m.

Jim Galambos, Mayor

Debra Smith, Town Clerk