



### **ARTICLE III. ALCOHOLIC BEVERAGE HANDLING EMPLOYEE CARD**

#### **Sec. 6-71. Required.**

(a) Every alcoholic beverage handling employee shall obtain an alcoholic beverage handling employee card prior to entering into employment on an alcoholic beverage permit holder's premises.

(b) The provisions of this section shall not apply to persons selling beverages of low alcoholic content on a volunteer basis without pay on the premises of a city council approved fair or festival when a portion of the proceeds are retained by a nonprofit organization; however, each site or facility from which alcoholic beverages are dispensed shall be under the direct supervision during all hours of operation by a manager holding a current alcoholic beverage handling employee card.

(Code 1980, § 3-66)

#### **Sec. 6-72. Responsibilities of alcoholic beverage permittees.**

(a) It shall be unlawful for any alcoholic beverage permit holder to allow any alcoholic beverage handling employee, including, but not limited to servers, bartenders, managers, dancers, maintenance persons and floorwalkers to be present on the premises when alcoholic beverages or containers thereof are handled, dispensed or consumed on the premises, unless such alcoholic beverage handling employee is in possession of an alcoholic beverage handling employee card issued under authority of this article.

Immediately after employing any alcoholic beverage handling employee, the permit holder shall notify the department of public safety of such employment of such alcoholic beverage handling employee.

(b) Any employee under the age of 18 years and who is not directly involved in the sale or handling of alcoholic beverages for consumption on the premises in an establishment which qualifies as a bona fide restaurant shall be exempt from the provision of the Code requiring an alcoholic beverage handling employee card in order to maintain employment, however, they must meet all requirements of section 6-73, except the age requirement and obtain a minor's work card prior to employment.

(c) A fee of \$5.00 shall be paid for issuance of each minor's work card.

(Code 1980, § 3-67)

#### **Sec. 6-73. Qualifications of applicant.**

An 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) He must not have been convicted of a felony under the laws of the United States, the state or any other state or country.

- (3) The applicant shall not have been convicted of prostitution, soliciting for prostitution, pandering, letting premises for prostitution, employing or permitting the presence of B drinkers, 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 Uniform Controlled Dangerous Substances Law (R.S. 40:961 et seq.), or as such offenses may now or hereafter be otherwise named.
- (4) He must not have been convicted of violating the provisions of this chapter.
- (5) He must not have had his alcoholic beverage handling employee card revoked within two years next preceding the application.
- (6) He must not have been convicted of violating any municipal or parish ordinance relating to alcoholic beverages. In such case, the granting or denial of a card is within the discretion of the mayor or his designee.
- (7) The applicant shall not have been convicted of any obscene, lewd or immoral act on any premises licensed under this chapter.
- (8) The applicant must truthfully answer all questions on the application. A material misstatement or suppression of fact in the application or accompanying affidavit is grounds for denial of a permit to handle alcoholic beverages.

(Code 1980, § 3-68)

**State law references:** Qualifications of applicants for permits, R.S. 26:80, 26:280.

#### **Sec. 6-74. Issuance or denial.**

The mayor or his designee is hereby authorized to issue, without delay, an alcoholic beverage handling employee card when, in his discretion, he finds the applicant to be qualified or may deny the application.

(Code 1980, § 3-69)

#### **Sec. 6-75. Contents; fees.**

- (a) A card issued pursuant to this article shall contain the picture of the person to whom it is issued. A fee of \$30.00 shall be paid for the issuance of each card.
- (b) A money order will be made payable to the department of public safety and corrections in an amount equal to the charges set by that department to conduct a criminal history check on the applicant.

(Code 1980, § 3-70; Ord. No. 93-2002, 9-3-2002; Ord. No. 18-2003, 3-18-2003)

#### **Sec. 6-76. Term.**

All alcoholic beverage handling employee cards shall be for a term of three years and shall expire on the anniversary of the date issued. All applications for renewal may be made within 30 days of the expiration of the old card.

(Code 1980, § 3-71; Ord. No. 18-2003, 3-18-2003)

#### **Sec. 6-77. Valid on premises of any permit holder; exception.**

A card for an alcoholic beverage handling employee shall be good and valid for use on the premises of any alcoholic beverage permit holder, provided that the permit holder has notified the department of public safety of the name and address of the alcoholic beverage handling employee card holder. Each alcoholic beverage permit holder shall maintain a current written list of all alcoholic beverage handling employees with their addresses on forms made available at the city police department; and shall make the list available for inspection when requested by the police department; and shall, on or before

the tenth day of each month submit such list to the city police department showing all such employees employed by the permit holder during the prior month. Violation of this section is punishable as provided in section 1-9 of this Code.

(Code 1980, § 3-72)

**Sec. 6-78. Suspension or revocation; appeal.**

(a) An alcoholic beverage handling employee card may be suspended or revoked by the mayor or his designee if, at any time, the holder thereof fails to meet the qualifications prescribed by section 6-73 or if he violates any provision of this chapter or if he makes any misstatement of fact or suppresses any pertinent information on his application.

(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 mayor or his designee. Such notice shall inform the card holder of the reason for which the mayor proposes to suspend or revoke the card and shall inform the card holder that, unless a hearing is requested within ten days from the date the notice is sent, the mayor 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 address given on his application for a card. In the event a hearing is not requested within ten days of the date such notice is sent, the mayor may proceed forthwith to revoke or suspend the alcoholic beverage handling employee card. In the event a hearing is requested by the card holder, the mayor shall inform the card holder of the date of such hearing, which hearing shall be held within ten days of the date of the receipt of the request for a hearing.

(c) The holder of an alcoholic beverage handling employee card who feels aggrieved by a decision of the mayor in suspending or revoking such card may, within ten days of the notification of the decision of the mayor, appeal to the city council. The decision of the mayor shall be affirmed, unless a majority of the city council, at a hearing on such appeal, votes to overrule or modify such action.

(Code 1980, §§ 3-73, 3-74)