

ORDINANCE NO. 791

AN ORDINANCE AMENDING CHAPTER 10 OF THE CLAIBORNE PARISH CODE OF ORDINANCES TO ADD A SECTION TITLED "AMUSEMENTS AND ENTERTAINMENTS" AS FOLLOWS:

BE IT ORDAINED by the Claiborne Parish Police Jury in regular and legal session on this 15th day of September, 2021, that Chapter 10 of the Claiborne Parish Code of Ordinances be and is hereby amended to add the following:

Section 10-2, be and is hereby adopted to read as follows:

Sec. 10-2. - Definitions.

(a) For the purposes of this section, the term "public interest and special events" includes outdoor music events, carnivals, circuses, trail rides and similar activities, held in all areas of Claiborne Parish that are intended to appeal to the public at-large rather than any specific, targeted group. This ordinance shall only apply to gatherings of 100 people or more. Further, this ordinance is intended to apply to commercial activities generating revenue and/or held in exchange for goods and services. This ordinance is not intended to apply to non-commercial, family, church, political, or other non-commercial assemblies of people. Permitting decisions shall be made without regard to the content of protected speech.

Section 10-3, be and is hereby amended to read as follows:

Sec. 10-3. - Regulations established.

(a) Police jury; sheriff's department; parish fire districts; emergency medical services operating within the parish; a health unit operating within the parish; and coordination between the agencies.

- (1) The police jury is responsible for general administration of this article, including receiving applications for permits, for assuring that they are reviewed in accordance with this article, for approving or disapproving all applications, for informing applicants of permit approval or disapproval, for revoking permits if required, and for assuring that the sheriff's department enforces all ordinances and regulations necessary to assure the safety of persons and property within the parish, including regulating the public rights of way; traffic; sanitary conditions on the premises; the sale of alcohol; littering, and public nuisances.
- (2) The sheriff's department will advise the police jury on all security considerations associated with all proposed activities, and for enforcement of all ordinances and regulations necessary to ensure the safety of persons and property within the parish. The sheriff's department will further advise and evaluate all permit applications and proposed plans to determine their impact on and sufficiency of the maintenance of security, safety, and emergency services, and for recommending that the police jury approve or disapprove each application and proposed plans based on this review.
- (3) The parish fire districts will also evaluate all permit applications in their respective districts and proposed plans to determine their impact on the maintenance of fire and/or emergency medical services, and advise the police jury regarding their recommendation that the police jury approve or disapprove each application and proposed plans based on this review.
- (4) The Claiborne Parish Health Unit will advise the police jury and evaluate all permit applications and proposed plans to determine health requirements, including but not limited to, the ratio of the number of attendees and portable restrooms, sewerage disposal, and water availability.

- (b) Required; standards for issuance.
- (1) No public interest nor special event of any kind or for whatever purpose shall proceed without first applying to the police jury for a permit, as required by this article.
 - (2) No permit shall be issued by the police jury unless the police jury is satisfied that the proposed public interest or special event to be permitted will not disrupt or harm any person residing near the proposed site, any scheduled parish activity, restrict the traffic flow or passage on any unpermitted parish streets or roads, disrupt the normal activity and operation of businesses, or encroach on any private property.
 - (3) No permit shall be issued by the police jury unless the proposed clean-up, emergency, health, sanitation, and security plans in place during public interest or special event and estimated budgets for implementation and enforcement of these plans, as provided with the permit application, are approved by the sheriff's department, relevant fire district, emergency medical service, and health unit. Such approval or disapproval of the proposed plans shall be communicated via a written recommendation from the offices of the sheriff's department, relevant fire district, emergency medical service, and health unit. In the event the police jury desires to exercise its override power, the override shall be determined by a vote of all police jury members. No override shall occur unless supported by more than a simple majority of the police jury, as determined by the results of the vote.
 - (4) Applicant shall provide the number of attendees in its application which has to be a formal representation for the basis of the permit. This number provided by the applicant is the operative representation that all coordinating agencies shall base their determinations upon. Should the applicant underestimate the number of attendees, the Sheriff's office shall have the authority to terminate the event, should in its sole discretion, the crowd size exceed the requirements of this ordinance. The event shall be permitted only during hours when the on-site parking would not be used for the primary occupancy's high traffic generation activities. Applicant shall be required to seek approval of its traffic and security plan with the Claiborne Parish Sheriff's Office. Further, the Claiborne Parish Sheriff's Office is the only agency or entity authorized to provide security and it shall be at a ratio of one (1) officer per fifty (50) attendees if alcohol is not present at the event and one (1) officer per twenty-five (25) attendees if alcohol is present at the event.
 - (5) Such permits may be granted by the police jury; provided, however that proof of ownership of lease of proposed property has first been filed with the police jury and attached to the application.
 - (6) When the public interest or special event has been concluded, the site shall be left clean and restored to its previous condition or improved condition, as appropriate.
 - (7) The application for and issuance of said license shall be done in accordance with and subject to Claiborne Parish permitting procedure requirements.
 - (8) All parking by attendees at any event permitted pursuant hereto shall occur on the site of the applicant. Parking shall specifically be prohibited on the public rights of way. Attendees that park in the public rights of way will be cause to terminate the event, and shall be subject to immediate towing and other criminal sanctions as provided by law.
- (c) Applications; contents; permitting fees.

- (1) No permit shall be issued by the police jury, unless an application for such permit has been filed in accordance with the provisions of this article.
- (2) Any person or persons desiring to conduct or manage a public interest or special event shall make written application on forms provided, to the police jury at least 45 days before the date on which the public interest or special event is to be conducted. Each application shall set forth the following information:
 - (i) The name of the individual(s) or group, association, or organization wishing to conduct such public interest or special event. If the public interest or special event is to be conducted for, on behalf of, or by a group, association, or organization, the name, address, and telephone number of the headquarters of the group, association, or organization and the authorized and responsible head of such group, association, or organization.
 - (ii) The name, address and telephone number of the person designated as the organizer of the public interest or special event and responsible for its conduct.
 - (iii) The name, address and telephone number of the individual(s) or group, association, or organization to whom the permit is to be issued.
 - (iv) The date when such public interest or special event is to be conducted.
 - (v) The location of the public interest or special event.
 - (vi) The hour when the public interest or special event will start and terminate. Start and termination times will be considered in the approval process and be adhered to for all purposes. Events may start no earlier than 8:00 a.m. and must conclude no later than 10:00 p.m.
 - (vii) The time at which attendees will begin to assemble for public interest or special event, along with a time the event will conclude. Start and stop times will be adhered to by organizers and will be a basis for approval and revocation of any approved permits should activities extend beyond approved start and stop times contained in the permit and approval process.
 - (viii) The approximate number of persons who, and animals and vehicles which will constitute the public interest or special event, the type of animals, and a description of the vehicles in the public interest or special event.
 - (ix) All proposed clean-up, emergency, health, sanitation, and security plans in place during the public interest or special event and estimated budgets for implementation and enforcement of these plans.
- (3) There shall be paid, at the time of filing the application for a permit, a nonrefundable fee of \$500.00. This fee may be waived in whole or in part by the police jury. Applicants must provide an advance deposit to cover all costs associated with the implementation and enforcement of all clean-up, emergency, health, sanitation, and security plans, including security personnel, law enforcement and emergency vehicles, during the public interest or special event. The amount of this advance deposit will be determined by the Claiborne Sheriff's Office before a permit shall issue,

and it shall be based on the proposed budget submitted with the permit application, the number of attendees, and the security plan presented with the application. Failure to pay the advance deposit within 5 days of the notice of advance deposit from the Claiborne Sheriff's Office shall terminate the process, unless extended in writing by the Police Jury or Claiborne Sheriff's Office.

(d) All applications which do not contain the information required by this article shall not be accepted by the police jury, but rather shall be returned to the applicant.

(e) Denial or revocation.

Upon written notice to the permittee, the police jury may deny or revoke a permit when:

(1) The information contained in the permit application is found to be false in any material detail.

(2) The applicant has failed to comply with any requirements of this article.

(3) The applicant has previously had a special event permit denied or revoked for failure to comply with this ordinance, or at a special event held by the applicant, significant criminal activity was discovered and prosecuted.

(f) Procedures for appeal.

(1) An applicant who is denied a permit, or a permittee whose permit has been revoked may make a written appeal (the "appeal") from such denial or revocation with the police jury.

(2) The appeal must be filed within 48 hours of the permit denial or revocation and must state the grounds upon which it is asserted that the permit denial or revocation should be modified or reversed. The appeal must be accompanied by copies of the permit application, the written permit denial or revocation, and any other papers or documentation material to the determination.

(g) Conditions and restrictions.

(1) The police jury may condition the issuance of any permit by imposing reasonable requirements concerning the time, place and manner of the proposed activity, and such requirements as are necessary to protect the safety of persons and property, and the control of traffic; provided such conditions shall not unreasonably restrict the right of free speech. Such restrictions may include, but are not limited to:

(i) Restrictions on the purpose of the proposed activity, which shall in all instances be limited to only those purposes which are lawful.

(ii) Restrictions on the location, date(s), time(s), and frequency of the proposed activity.

(iii) Alteration of the date, time, route, or location of the proposed activity on the permit application.

(iv) Conditions concerning the area of assembly and disbanding of a proposed activity or other events occurring along a route, as well as the conditions concerning the grounds for dispersion or elimination of the activity when such activity cannot be mitigated to a point as to ensure public safety and welfare, or which causes undue liability to the parish.

- (v) Requirements for the adequacy of health and sanitation concerns, including the presence of garbage disposal containers and cleanup, and portable toilets, as well as the requirements for restoring the premises of the proposed activity.
- (vi) Conditions concerning the accommodation of pedestrian or vehicular traffic, including restricting the proposed activity to only a portion of a street or area traversed and implementation of a traffic control plan to regulate traffic and pedestrian safety on the premises of the proposed activity, to be approved by the Claiborne Parish Sheriff's Office.
- (vii) Requirements for the use of traffic cones or barricades.
- (viii) Requirements for the use of parish personnel and parish equipment.
- (ix) Conditions concerning crowd control, including implementation of a security plan based upon the represented attendance of the proposed activity.
- (x) Compliance with noise ordinances, regulations, and laws and restrictions on the use of amplified sound.
- (xi) Requirements to provide notice to surrounding property owners by sending a mailing by us mail to all contiguous property owners within 300 feet of the subject property location.
- (xii) Compliance with ordinances, regulations, and laws governing alcoholic beverages and restrictions on the sale or consumption of alcohol on the premises of the proposed activity.
- (xiii) Compliance with ordinances, regulations, and laws governing sales tax of the proposed activity. If the activity is subject to sales and use tax, any necessary permit from the appropriate taxing authority shall accompany the application.
- (xiv) Restrictions on the number and type of vehicles, animals, or structures at the proposed activity, and inspection and approval of animals or structures during the proposed activity.
- (xv) Compliance with animal protection ordinances, regulations, and laws, including all vaccination requirements imposed by the State of Louisiana.
- (xvi) Requirements for providing notice to all attendees and participants of the proposed activity of the conditions and restrictions imposed upon the activity and activity premises.
- (xvii) Compliance with any relevant ordinance or law and obtaining any legally required permit or license.
- (xviii) Any restriction or condition deemed necessary to ensure public safety and well-being.

(h) Qualifications for Applicants for Permits – use the applicable requirements outlined in LRS 26:80 and 26:280. (Qualifications of applicants for permits when alcohol will be sold or allowed on premises at the event subject to this ordinance).

- (1) Applicants for state and local permits of all kinds shall demonstrate that they meet all of the following qualifications and conditions if any alcohol will be sold, exchanged, or allowed to be present during any portion of the special event seeking a permit herein:

- (i) Be a person of good character and reputation and over eighteen (18) years of age. In considering a person's good character or reputation, the police jury may consider a person's arrests in determining suitability.
- (ii) Be a citizen of the United States and the state of Louisiana and a resident of the state of Louisiana continuously for a period of not less than two (2) years next preceding the date of the filing of the application.
- (iii) Be the owner of the premises, have a bona fide written lease therefor.
- (iv) Must have no pending felony charges or have not been convicted of distributing or possessing with the intent to distribute any controlled dangerous substance classified in Schedule I of R.S. 40:964.
- (v) Have not been convicted of a felony under the laws of the United States, the state of Louisiana, or any other state or country.
- (vi) Have not been convicted 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, or illegally dealing in controlled dangerous substances.
- (vii) Have not been adjudged or convicted by a court of violating any of the provisions of this Chapter.
- (viii) Not owe the state or the local governmental subdivisions in which the application is made any delinquent sales taxes, income taxes, penalties, or interest, excluding items under formal appeal pursuant to applicable statutes.

(2) If the applicant is an entity recognized by Louisiana law, or anyone in such entity with or financed by another, all members of such entity, or all the persons furnishing the money shall also possess the qualifications required of an applicant. The application shall name all members of the entity or financial backers and furnish their social security numbers and proper addresses. If a member of a partnership or other entity applying for retail or manufacturer's permits is a corporation or limited liability company, the requirements as to citizenship and residence shall not apply to officers, directors, and stockholders of the corporation or members of the limited liability company. The corporation or limited liability company shall either be organized under the laws of the state of Louisiana or qualified to do business within the state of Louisiana.

(3) If the applicant is a corporation or a limited liability company, all officers and directors and all stockholders or members owning in the aggregate more than five (5%) percent of the stock or of the membership interest in a limited liability company and the person or persons who shall conduct or manage the business shall possess the qualifications required of an applicant and shall furnish their federal identification number, their Louisiana Department of Revenue business account number, their social security number, and their correct home address. The requirements as to citizenship and residence do not apply to either the officers, directors, or stockholders of corporations, or the officers, managers, or members of limited liability companies. The corporation or limited liability company shall be either organized under the laws of the state of Louisiana or qualified to do business within the state of Louisiana.

(4) If the applicant, or any other person required to have the same qualifications, does not possess the required qualifications, the permit may be denied; however, if a sales tax clearance is not issued, the permit shall be denied.

(5) Notwithstanding the provisions of Subsections (1) and (2), a permit may be granted by the police jury if the applicant has been pardoned, has had any misdemeanor conviction discharged or dismissed, or the applicant's civil rights have been restored, or, if the applicant is a firm, association, partnership, trust, domestic or foreign corporation, or other legal entity, the applicant.

(6) In order to determine suitability, the applicant, members of a partnership recognized by Louisiana law, the officers and directors of a corporation, the stockholders of a corporation, and members of a limited liability company owning more than five (5%) percent of such a corporation or company shall be fingerprinted. If no disqualifying record is identified at the state level, the fingerprints shall be forwarded by the Department of Public Safety and Corrections, public safety services Claiborne Sheriff's Office to the Federal Bureau of Investigation (F.B.I.) for a national criminal history record check.

(7) In order to determine the suitability of an applicant, the Parish Administrator shall require members of a partnership recognized by Louisiana law, the officers and directors of a corporation, the stockholders of a corporation, and members of a limited liability company owning more than five (5%) percent of such a corporation or company, to furnish to the office of alcohol and tobacco control a full set of fingerprints to enable a criminal background investigation to be conducted. The office of alcohol and tobacco control shall submit the completed fingerprint card to the Claiborne Sheriff's Office. The Claiborne Sheriff's Office is authorized to submit the fingerprints to the F.B.I. for a national criminal history background check.

(8) The Claiborne Sheriff's Office shall require a background investigation by means of fingerprint checks by the office of state police and the F.B.I. of each applicant, members of a partnership recognized by Louisiana law, the officers and directors of a corporation, the stockholders of a corporation, and members of a limited liability company owning more than five (5%) percent of such a corporation or company applying for an alcoholic beverage permit.

(9) In addition to the other requirements established by law, the submittal of fingerprints shall be a prerequisite to the issuance of a permanent alcoholic beverage permit by means of fingerprint checks by the Claiborne Sheriff's Office.

Section 10-4, be and is hereby amended to read as follows:

Sec. 10-4. - Violations; penalties.

- (a) Any person violating any provisions of this article shall be guilty of a misdemeanor and upon the conviction thereof shall forfeit any deposit made, be ordered to reimburse the sheriff and police jury for the cost incurred in responding to the unauthorized event and pay such penalties as the court may decide as prescribed by Louisiana law, not to exceed \$500.00 or 30 days imprisonment or both for each violation. Each day's continued violation shall constitute a separate offense.
- (b) In the event any development activity is undertaken prior to approval and issuance of a permit or after denial of a permit and if the developer is declared guilty by a court of competent jurisdiction in accordance with the provisions of this article, in addition to other prescribed remedies in this article, the parish shall not consider the developer's application for site plan approval and subsequent issuance of a permit for that project for a period not to exceed 90 days from the date of determination of violation.
- (c) The sheriff's department has the power and authority to shut down any public interest or special event, if, at any time during the public interest or special event,

it determines that the public interest or special event is in violation of any permit conditions or the safety and security plans submitted and approved for permit issuance. If a person refuses to comply with a vacate order from the sheriff's department, then such refusal may be deemed a disturbance of the peace and a violation of this provision and thus said violator(s) may be subject to issuance of citation, arrest and criminal charges.

- (d) Nothing herein shall prevent the parish from taking such other action as is necessary to prevent or remedy any violation, including injunctive relief.

BE IT FURTHER ORDAINED that this ordinance shall become effective immediately upon adoption.

BE IT FURTHER ORDAINED that any ordinance or parts of any ordinance in conflict herewith are hereby repealed.

BE IT FURTHER ORDAINED that the provisions of this ordinance shall be included and incorporated in the Claiborne Parish Code of Ordinances as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

The ordinance was presented by _____, seconded by _____ for its 30-day review period and advertisement in the official journal of the Police Jury on _____ with a Public Hearing scheduled for Monday, September 13th at 3:00 pm in the Jury Chambers of the Police Jury Administrative Building located at 507 West Main St, Homer, LA.

The ordinance was offered by _____, seconded by _____. Upon a unanimous vote, it was duly adopted on this 15th day of September 2021 and shall become effective as of October 1, 2021.

Dwayne R. Woodard
Secretary-Treasurer

Scott Davidson
President