

**DIED DUE TO LACK OF MOTION**

**ORDINANCE NO. JO-004-2021**

**A JOINT ORDINANCE OF THE LAFAYETTE CITY COUNCIL AND THE LAFAYETTE PARISH COUNCIL AMENDING THE LAFAYETTE CITY-PARISH CONSOLIDATED GOVERNMENT CODE OF ORDINANCES CHAPTER 6, "ALCOHOLIC BEVERAGES," SPECIFICALLY ARTICLE I, "IN GENERAL," PARTICULARLY TO ADD SECTION 6-14.1**

**BE IT ORDAINED** by the Lafayette City Council and the Lafayette Parish Council, that:

**WHEREAS**, the Lafayette City Council and the Lafayette Parish Council find that certain revisions to Chapter 6, Article I are necessary.

**NOW, THEREFORE, BE IT FURTHER ORDAINED** by the Lafayette City Council and the Lafayette Parish Council, that:

**SECTION 1:** All of the above "Whereas" clauses are adopted as part of this joint ordinance.

**SECTION 2:** Article I "In General" of Chapter 6 of the Lafayette City-Parish Consolidated Government Code of Ordinances is hereby amended to add Section 6-14.1 to read as follows:

Sec. 6-14.1 - Prohibition of removal of open alcoholic beverage containers from premises and/or public possession and/or consumption of alcoholic beverages in the Downtown District.

(a) For purposes of this section only, the term, "Downtown District" shall mean the geographical area described, as follows:

Beginning at the point of intersection of the eastern right-of-way line of Orange Street and the southern right-of-way line of Louisiana Avenue; thence southwest along said southern right-of-way line of Louisiana Avenue to the point of its intersection with the southern right-of-way line of Johnston Street; thence southwest along said southern right-of-way line of Johnston Street to the point of its intersection with the western right-of-way line of Garfield Street; thence southeast along said western right-of-way line of Garfield Street to the point of its intersection with the southern right-of-way of Gordon Street; thence southwest along said southern right-of-way line of Gordon Street to the point of its intersection with the eastern right-of-way line of West University Avenue; thence north along said eastern right-of-way line of West University Avenue to the point of its intersection with the northern right-of-way of Johnston Street; thence southwest along said northern right-of-way line of Johnston Street to the point of its intersection with the northerly right-of-way line of Brashear Street; thence northwest along said northerly right-of-way line of Brashear Street to the point of its intersection with the northern right-of-way line of St. Landry Street; thence southwest along said northern right-of-way line of St. Landry Street to the point of its intersection with the western property line of a tract of land owned by the city of Lafayette more fully described as recorded under Entry Number 79-014651 in the mortgage records of the parish of Lafayette; thence proceeding along said western property line to the point of its intersection with the southern right-of-way line of Azalea Street; thence southwest along said southern right-of-way line of Azalea Street to the point of its intersection with the western high bank of St. John Coulee; thence north along said western high bank of St. John Coulee to the point of its intersection with the northern right-of-way line of Azalea Street; thence southwest along said northern right-of-way line of Azalea Street to the point of its intersection with the western right-of-way line of Parkside drive; thence north along said western right-of-way line of Parkside Drive to the point of its intersection with the centerline of Iris Lane; thence northwest along said centerline of Iris Lane to the point of its intersection with the centerline of Souvenir Gate, thence southwest along said centerline of Souvenir Gate to the point of its intersection with the centerline of Jasmine Street; thence northwest along said centerline of Jasmine Street to the point of its intersection with the southern right-of-way of West Congress Street, thence east along said southern right-of-way

line of West Congress Street to the point of its intersection with the western high bank of St. John Coulee; thence north along said western high bank of St. John Coulee to the point of its intersection with the southern right-of-way line of West Simcoe Street to the point of its intersection with the southern right-of-way line of East Simcoe Street, thence east along southern right-of-way line of East Simcoe Street to the point of intersection with the eastern right-of-way line of Orange Street; thence southeast along said eastern right-of-way line of Orange Street to the point of beginning.

(b) Removal.

1. Other than paper, plastic or Styrofoam cups containing an alcoholic beverage, no person, whether patron, customer, permittee or employee of permittee, whether knowingly or unknowingly, shall remove any open alcoholic beverage container of any type and at any time from the premises of a permittee in the Downtown District. Paper, plastic or Styrofoam cups containing an alcoholic beverage may be removed from the premises of a permittee in the Downtown District except during the days and times of Monday—Sunday 10:00 p.m. until 6:00 a.m. Violators of this subsection shall be subject to a fine and/or imprisonment as set forth in section 1-9 of the Code.
2. Furthermore, no permittee, or employee of permittee, shall allow the removal of any open alcoholic beverage container of any type and at any time from the premises of a permittee in the Downtown District except as allowed in section 6-14.1(b)1 hereinabove.

(c) Possession.

1. At no time is it lawful for any person to possess an open alcoholic beverage container of any type in the Downtown District except as allowed in section 6-14.1(b)1 hereinabove. Violators of this subsection shall be subject to a fine and/or imprisonment as set forth in section 1-9 of the Code.
2. Violators of this subsection shall be subject to a fine and/or imprisonment as set forth in section 1-9 of the Code.
3. All permittees of any premises located in the Downtown District shall post a conspicuous notice inside the premises as well as by each public exit entitled "PROHIBITIONS," and stating the following: "1. REMOVAL OF ANY OPEN ALCOHOLIC BEVERAGE CONTAINER, EXCEPT PAPER, PLASTIC OR STYROFOAM. 2. MONDAY-SUNDAY 10:00 P.M. UNTIL 6:00 A.M.: REMOVAL OF ANY OPEN ALCOHOLIC BEVERAGE CONTAINER, INCLUDING PAPER, PLASTIC OR STYROFOAM." The notice sign shall not be less than 36-point type.

(d) No person shall engage in the public possession of any open alcoholic beverage container in the Downtown District except as allowed in section 6-14.1(b)1 hereinabove. Violators of this subsection shall be subject to a fine and/or imprisonment as set forth in section 1-9 of the Code.

(e) Any participant or patron who is participating in special events, as defined herein, that take place in the Downtown District is exempt from the provisions of this section during such event. For the purpose of this provision, special events shall mean organized community events and festivals sponsored and/or produced by governmental or non-profit organizations that are of general public interest and are open to public attendance, including, but not limited to Mardi Gras Parades, Festival International, the Downtown Alive and Artwalk series, Festivals Acadiens et Creole, and Symphony Concerts. The Lafayette City-Parish President or his designee shall be authorized to grant a special exemption from the provisions of this section for a specified event or activity not listed herein upon application of the promoter or sponsor of such event on a form prescribed by the Mayor-President, provided that the promoter or sponsor shall bear any costs or expenses associated with the public dissemination of the granting of such special exemption. Exemption under this section shall begin at the start of the event and terminate at the end of the event.

(f) Any person who holds a restaurant sidewalk café permit pursuant to chapter 78, article VII of this Code, shall be permitted to serve alcoholic beverages in an open alcoholic beverage container, provided that such alcoholic beverages may only be consumed on the premises of such permittee and may not be removed from such premises.

**SECTION 3:** All ordinances and resolutions, or parts thereof, in conflict herewith are hereby repealed.

**SECTION 4: EFFECTIVE DATE.** After first having been adopted by a majority of

the authorized membership of both the Lafayette Parish Council and the Lafayette City Council, this joint ordinance shall become effective upon signature of this joint ordinance by the Lafayette Mayor-President, the elapse of ten (10) days after receipt by the Lafayette Mayor-President without signature or veto, or upon override of a veto, whichever occurs first.

\* \* \* \* \*



JO-004-2031  
**RECEIVED**

DEC 30 2020

Lafayette Consolidated Government  
Chief Administrative Officer

## Internal Memorandum

Legal Department (1400)

**TO:** Cydra Wingerter

**DATE:** December 30, 2020

**FROM:** Greg Logan

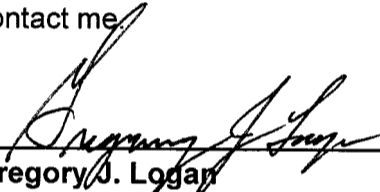
**SUBJECT:** Joint Ordinance Adding Section 6-14.1 "Open Container" to the Code of Ordinances

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I submit the attached proposed Joint Ordinance of the Lafayette Parish Council and the Lafayette City Council for consideration, which involves additions to the current restrictions set out in Section 6-14 of the Code of Ordinances.

I respectfully request that the attached Joint Ordinance be placed in line to be considered by the Lafayette Parish Council and the Lafayette City Council at their meeting on Tuesday, January 19, 2021.

If I can be of any additional information or assist further with this matter, please do not hesitate to contact me.

  
\_\_\_\_\_  
**Gregory J. Logan**  
City-Parish Attorney  
Lafayette Consolidated Government

Attachments

C: Paul Escott

t: 337.406.9685 / glogan@lafayettela.gov

LAFAYETTE JOINT COUNCIL MEETING

AGENDA ITEM SUBMITTAL FORM

1) JUSTIFICATION FOR REQUEST: A Joint Ordinance of the Lafayette City Council and the Lafayette Parish Council adding Section 6-14.1 "Open Container" to the Code of Ordinances

2) ACTION REQUESTED: Adoption of an Ordinance

3) COUNCIL DISTRICT(S) (if applicable): N/A

4) REQUESTED ACTION OF COUNCIL:

A) INTRODUCTION: January 19, 2021

B) FINAL ADOPTION: February 9, 2021

5) DOCUMENTATION INCLUDED WITH THIS REQUEST:

A) Cover Memo from Director (1 page)

B) Submittal Item Justification Form (1 page)

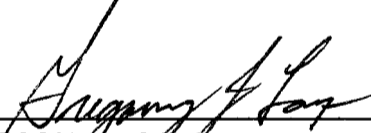
C) Ordinance (3 pages)

6) FISCAL IMPACT:

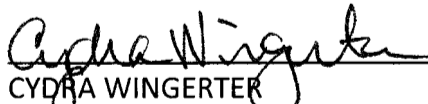
Fiscal Impact

No Fiscal Impact

RECOMMENDED BY:

  
\_\_\_\_\_  
GREGORY J. LOGAN  
CITY-PARISH ATTORNEY

APPROVED FOR AGENDA:

  
\_\_\_\_\_  
CYDRA WINGERTER  
CHIEF ADMINISTRATIVE OFFICER

**DIED DUE TO LACK OF MOTION**

**DISPOSITION OF ORDINANCE NO. JO-004-2021**

1. This ordinance was introduced by the Parish Council:  
January 19 \_\_\_\_\_, 2021  
YEAS: Tabor, K. Naquin,  
Carlson, Guilbeau, Rubin  
NAYS: None  
ABSENT: None  
ABSTAIN: None

Ordinance died, failed to be introduced, due to lack of motion to introduce by City Council.

  
CLERK OF THE COUNCIL