

ORDINANCE NO. JO-006-2021

A JOINT ORDINANCE OF THE LAFAYETTE CITY COUNCIL AND LAFAYETTE PARISH COUNCIL AMENDING CHAPTER 6 OF THE LAFAYETTE CITY-PARISH CONSOLIDATED GOVERNMENT CODE OF ORDINANCES RELATIVE TO THE ISSUANCE OF ALCOHOLIC BEVERAGE DELIVERY PERMITS WITHIN THE CITY OF LAFAYETTE AND UNINCORPORATED PARISH OF LAFAYETTE

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

WHEREAS, on or about December 3, 2019, the Lafayette City-Parish Council enacted Ordinance No. O-237-2019 amending Chapter 6 of the Lafayette City-Parish Consolidated Government Code of Ordinances relative to, among other things, the issuance of alcoholic beverage delivery permits within the City of Lafayette and unincorporated Parish of Lafayette;

WHEREAS, since the enactment of Ordinance No. O-237-2019, the State of Louisiana has enacted new laws and regulations for the allowance and regulation of the delivery of alcoholic beverages;

WHEREAS, to promote and protect the health, safety, and welfare of the people of the City of Lafayette and the unincorporated Parish of Lafayette while at the same time promoting and fostering business development in the City and Parish, the Lafayette City Council and the Lafayette Parish Council desire to further amend Chapter 6 of the Lafayette City-Parish Consolidated Government Code of Ordinances to enact local rules and regulations for the delivery of alcoholic beverages consistent with state law.

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

SECTION 1: All of the aforementioned “Whereas” clauses are adopted as part of this ordinance.

SECTION 2: Chapter 6, Article I, Sec. 6-1 of the Lafayette City-Parish Consolidated Government Code of Ordinances is hereby amended to read as follows, with words in strikethrough being deletions from existing law, and words **underscored and boldfaced** being additions:

Sec. 6-1. – Definitions

The following words, terms and phrases, when used in this chapter, whether they appear in lower case letters, italics or capital letters, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

...

Delivery means the conveyance of an alcoholic beverage in a container sealed by the manufacturer of the alcoholic beverage by a W-2 employee **or 1099 agent** of a Class R-Restaurant Retail Alcohol Delivery permit holder, Class P-Package

Store Retail Alcohol Delivery permit holder, or Class T-Third Party Alcohol Delivery permit holder.

...

Third Party Platform means a third party service that is licensed to do business in the State of Louisiana that performs work with its own employees or agents for which the platform is required to file an Internal Revenue Service Form W-2 or 1099.

...

SECTION 3: Chapter 6, Article III, Sec. 6-97 of the Lafayette City-Parish Consolidated Government Code of Ordinances is hereby enacted to read as follows, with words in strikethrough being deletions from existing law, and words **underscored and boldfaced** being additions:

Sec. 6-97. – Delivery of Alcoholic Beverages, Generally.

(a) This Section shall apply to Class R-Restaurant Retail Alcohol Delivery permit holders, Class P-Package Store Retail Alcohol Delivery Permit holders, and Class T-Third Party Alcohol Delivery Permit holders.

...

(h) All persons delivering alcoholic beverages under an alcoholic beverage delivery permit shall be ~~twenty-one~~**eighteen** years of age or older, be the permittee or a W-2 employee **or 1099 agent** of the ~~permittee~~**delivery permit holder**, shall possess a valid server permit as provided in R.S. 26:931, et seq, and shall possess a valid certificate of qualification to deliver as provided in Article IV of this Chapter.

...

SECTION 4: Chapter 6, Article III, Sec. 6-100 of the Lafayette City-Parish Consolidated Government Code of Ordinances is hereby enacted to read as follows, with words in strikethrough being deletions from existing law, and words **underscored and boldfaced** being additions:

Sec. 6-100. – Delivery of Alcoholic Beverages by Class T-Third Party Alcohol Delivery permit holders.

...

(b) Only beer, wine, and sparkling wine alcoholic beverages provided by a Class A permit holder (except Class A-bar, saloon, and tavern permit holder and Class A-Restaurant Conditional permit holder after 10:00 p.m.), Class B-Retail permit holder, or Exception Permit holder may be offered for delivery by the Class T-Third Party Alcohol Delivery permit holder.

(c) No alcoholic beverage shall be delivered by a Class T-Third Party Alcohol Delivery permit holder more than ten miles from the permitted premises of the Class R-Restaurant Retail Alcohol Delivery Permit holder or the Class P-Package Store Retail Alcohol Delivery Permit holder, **Furthermore, alcoholic beverage delivery pursuant to this Chapter** ~~nor shall any delivery only be made to any location outside of~~ **within** the City of Lafayette or unincorporated Parish of Lafayette.

(d) For orders delivered by a Class T-Third Party Alcohol Delivery permit holder through a delivery service agreement with a Class A-Restaurant permit holder,

each and every order for the delivery of alcoholic beverages shall **contain food** ~~be composed of at least thirty percent (30%) food computed from the total cost paid by the consumer.~~ Alcohol and food purchased from a Class A-Restaurant permit holder for delivery by a Class T-Third Party Alcohol Delivery permit holder shall be included in the Class A-Restaurant permit holder's gross average monthly sales figures for purposes ensuring that it meets its fifty percent food or food items requirement. However, pursuant to R.S. 26:73(B)(2), sparkling or still wine delivered by the bottle in conjunction with food shall not be considered an alcoholic beverage when determining gross revenue for purposes of R.S. 26:73(H).

...

(f) A Class T-Third Party Alcohol Delivery permit holder shall be licensed to do business in the State of Louisiana, shall use its W-2 employees **or 1099 agents** for delivery, shall be able to monitor the routes of its W-2 employees **or 1099 agents** during deliveries, and shall conduct an interview and background check of all W-2 employees **or 1099 agents** that will deliver alcoholic beverages.

...

SECTION 5: Chapter 6, Article IV, Sec. 6-165.1 of the Lafayette City-Parish Consolidated Government Code of Ordinances is hereby enacted to read as follows, with words in strikethrough being deletions from existing law, and words **underscored and boldfaced** being additions:

Sec. 6-165.1. - Qualifications for delivery of alcoholic beverages for off-premises consumption certificate in the City of Lafayette and the unincorporated areas of the Parish of Lafayette.

Each applicant for a certificate of qualification for delivery of alcoholic beverages under this Article shall continuously possess the following qualifications:

(1) Must be ~~18~~**21** years of age or older.

...

(3) All ~~persons~~**applicants**, including owners and managers who are permitted under this article to ~~sell, dispense, serve, or deliver~~ alcoholic beverages, shall attend and successfully complete a vendor/server training class conducted by the Lafayette City-Parish Consolidated Government, or one approved by the State of Louisiana prior to issuance of any new or renewal certificate of qualification.

...

SECTION 6: All ordinances or resolutions in conflict herewith, or parts thereof, including but not limited to sections of Ordinance No. O-237-2019 being amended herein, are hereby repealed.

SECTION 7: After first having been adopted by a majority of the authorized membership of both the Lafayette City Council and the Lafayette Parish Council, this joint ordinance shall become effective ten (10) days after signature of this joint ordinance by the Lafayette Mayor-President, or the lapse of ten (10) days after receipt by the Lafayette Mayor-President without signature or veto, or upon override of a veto, whichever occurs first.

* * * * *

RECEIVED

JAN 28 2021

LCG Council Office



Internal Memorandum
Legal Department

TO: Veronica Williams, Lafayette Clerk of the Council

CC: Cydra Wingerter, Chief Administrative Officer

CC: Mary Sliman, Director of Development and Planning

FROM: Paul D. Escott, Assistant City-Parish Attorney

SUBJECT: Joint Ordinance Amending Chapter 6 Relative to the Issuance of Alcoholic Beverage Delivery Permits in the LCG Code of Ordinances

DATE: January 28, 2021

Vee,

With the authority of the City-Parish Attorney, and on behalf of Mary Sliman, Director of Development and Planning, I submit the following, to wit:

- (a) A Joint Ordinance of the Lafayette City Council and the Lafayette Parish Council Amending Chapter 6 in the Lafayette Consolidated Government Code of Ordinances relative to the Issuance of Alcoholic Beverage Delivery Permits within the City and Unincorporated Parish of Lafayette; and
- (b) Agenda Item Submittal Form.

I request that this Ordinance be placed on the February 9, 2021 agenda(s) for the Lafayette City and Lafayette Parish Council meeting(s).



Paul D. Escott
Assistant City-Parish Attorney

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 Amending Chapter 6 of the Lafayette Consolidated Government Code of Ordinances Relative to the Issuance of Alcoholic Beverage Delivery Permits within the City and Unincorporated Parish of Lafayette

2) ACTION REQUESTED: Adoption of Joint Ordinance

3) REQUESTED ACTION OF COUNCIL:

A) INTRODUCTION: February 9, 2021

B) FINAL ADOPTION: February 23, 2021

4) DOCUMENTATION INCLUDED WITH THIS REQUEST:

A) Cover Memo (1 page)

B) Joint Ordinance (^{4 encl}~~3~~ pages)

C) Agenda Item Submittal Form (1 page)

5) FISCAL IMPACT:

Fiscal Impact

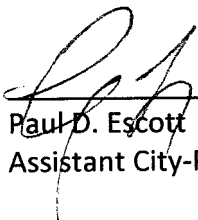
No Fiscal Impact

RECOMMENDED BY:

/s/ Mary Sliman

Mary Sliman
Director, Development and Planning

SUBMITTED BY:


Paul D. Escott
Assistant City-Parish Attorney

DISPOSITION OF ORDINANCE NO. JO-006-2021

1. This ordinance was introduced: February 9, 2021
YEAS: Tabor, K. Naquin, Carlson, Guilbeau, Rubin
NAYS: None
ABSENT: None
ABSTAIN: None

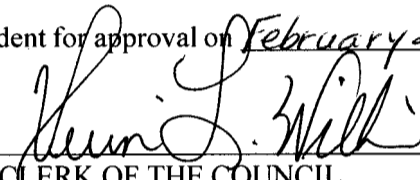
Final disposition by **Parish Council**:
February 23, 2021
YEAS: Tabor, K. Naquin, Carlson, Guilbeau, Rubin
NAYS: None
ABSENT: None
ABSTAIN: None

This ordinance was introduced:
YEAS: Lewis, A. Naquin, Hebert, Cook, Lazard
NAYS: None
ABSENT: None
ABSTAIN: None

Final disposition by **City Council**:
YEAS: Lewis, A. Naquin, Hebert, Cook, Lazard
NAYS: None
ABSENT: None
ABSTAIN: None

2. Notice of Public Hearing: This ordinance was published by Title and Notice of Public Hearing was published in the Advertiser on February 12, 2021.

3. This ordinance was presented to the Mayor-President for approval on February 24, 2021, at 10:00 o'clock a.m.


CLERK OF THE COUNCIL

4. Disposition by Mayor-President:

I hereby:

A. Approve this ordinance, the 2 day of MARCH, 2021, at 11:30 o'clock a.m.

B. Veto this ordinance, the _____ day of _____, 2021, at _____ o'clock ____m., veto message is attached.

C. Line item veto certain items this _____ day of _____, 2021, at _____ o'clock ____m., veto message is attached.


MAYOR-PRESIDENT

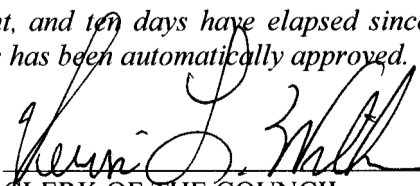
5. Returned to Council Office with veto message on March 3, 2021, at 4:10 o'clock p.m.

6. Reconsideration by Council (if vetoed):

On _____, 2021, the Councils did/refused to adopt this ordinance after the Mayor-President's veto.

7. Returned to the Council Office without signature of Mayor-President (*unsigned*) on _____, 2021, at _____ o'clock ____m.

If not signed or vetoed by the Mayor-President, and ten days have elapsed since this ordinance was presented to him for action, same has been automatically approved.


CLERK OF THE COUNCIL

8. Full publication of this ordinance was made in the Advertiser on February 26, 2021.