

Sec. 62-65. - Alcoholic Beverages in City Parks; Intoxication.

- (a) No alcoholic beverages shall be permitted in any park or area of a park except where such alcoholic beverage is authorized for sale pursuant to a contract with the city or a lawfully authorized local ("City") temporary Special Event Alcohol Permit. When so authorized, such sale shall comply with all other applicable laws and ordinances, including but not limited to Chapter 10 of this Code and applicable State laws.
- (b) It shall be unlawful for any person to remain in a park or playground while in an intoxicated condition unless alcohol sales and consumption are authorized pursuant to a contract with the City or a lawfully authorized local ("City") temporary Special Event Alcohol Permit. In any event, it shall be unlawful for any person to remain in a park or playground while in an unlawful intoxicated condition causing a public nuisance or public safety, health or welfare concern.

Charter reference— Authority to suppress drunkenness, [§ 2.04\(c\)](#).

Cross reference— Alcoholic beverages, [ch. 10](#).

BE IT FURTHER ORDAINED that Chapter 78, Article III, [Sec. 78-139](#) is hereby repealed and replaced to now read as follows:

Sec. 78-139. - Permit for buildings or improvements on sidewalks and public grounds.

- (a) *Permission to Occupy Public Property.* No person shall occupy or construct any building or improvement of any kind upon the streets, sidewalks, neutral grounds, or other public lands in the city, without special permission being granted therefor by the city council.
- (b) *Sidewalk Café or Bistro.*
 - (1) A property owner or tenant selling food or beverages, including alcohol, for consumption on the premises in all City D-1 Downtown zoning districts, except for the D-1 CMU (Downtown Commercial Mixed-Use Zoning Sub-District), as defined in the City of Shreveport, Louisiana, Unified Development Code ("[Shreveport UDC](#)"), may occupy a portion of the sidewalk adjacent to the premises as further defined in subsection (f), when it has obtained a Sidewalk Permit pursuant to this section.
 - (2) Said Sidewalk Permit shall be considered to be a temporary privilege and not a property right and shall be subject to revocation as provided herein.
 - (3) A property owner or tenant described in subsection (b)(1) who holds a retail dealer's permit or manufacturer's permit to sell alcoholic beverages for consumption on the premises may sell and serve alcoholic beverages on the sidewalk adjacent to the premises when it has obtained a Sidewalk Permit pursuant to this section and has complied with all local and State regulations. Such sales, serving and consumption of alcohol shall be in compliance with all provisions of this section and all applicable provisions of Chapter 10 of the Code of Ordinances and State law.
- (c) *Sidewalk Permit Committee.* There shall be a sidewalk permit committee which shall consist of the executive director of the downtown development authority or his designee, the executive director of the metropolitan planning commission or his designee, the chief of police or his designee and the director of public works or his designee.
- (d) *Application for Sidewalk Permit.* A property owner or tenant as described in subsection (b) may make application to the sidewalk permit committee for a Sidewalk Permit to occupy a portion of the sidewalk adjacent to the premises as further defined in subsection (f), on such forms as required by

said committee. The application shall be filed in the office of the metropolitan planning commission or such other place as designated by the committee in its rules and regulations.

- (e) *Sidewalk Permit Committee Rules and Regulations.* The sidewalk permit committee is hereby authorized to adopt rules and regulations for the granting of permits and the use of sidewalks hereunder, including but not limited to requirements for:
 - (1) drawings of the area requested,
 - (2) marking the area included in the permit,
 - (3) limiting access to the sidewalk area so as to exclude persons under the age of twenty-one if the presence of such persons in the area is prohibited by law or ordinance (for example a bar where the principal commodity sold at retail is alcohol),
 - (4) seating and arrangement of furniture,
 - (5) the cleaning of the area,
 - (6) the type of food and drink containers which may be used, including but not limited to:
 - a. *Restaurants:* Non-disposable containers for outdoor alcoholic beverages (not "Go-cups") in accordance with Chapter 10.
- (f) *Applicant Requirements:* The applicant shall meet the following requirements:
 - (1) The area for which an applicant is eligible to apply shall consist of the area between the building in which it is located and the street curb directly in front of the building, subject to the clearance requirements stated below. The applicant shall submit a drawing of the area requested. The sidewalk permit committee may place further restrictions on the area which may be occupied.
 - (2) The area occupied shall be limited to a depth which will allow space for tables, chairs, and for patrons and employees to walk, and shall leave at least six (6) feet clear and unoccupied space for pedestrian traffic on the sidewalk. However, in any City D-1 Downtown zoning district, except for the D-1 CMU (Downtown Commercial Mixed-Use Zoning Sub-District), as long as said block is closed to vehicular traffic, the area occupied may include the full width of the sidewalk.
 - (3) The applicant shall execute a hold harmless agreement in a form approved by the city attorney and shall obtain and maintain insurance covering its occupancy and use of the sidewalk in a form and amount approved by the risk manager. The applicant shall file said agreement and a certificate of insurance with the permit application.
- (g) *Conditions May Be Imposed.* In addition to the above stated requirements, the sidewalk permit committee may consider the impact of the use of the proposed area on the general public health, safety and welfare, and may impose conditions on the use of the area in granting the permit.
- (h) *Application Approval or Denial and Appeal Rights.* The committee shall consider the application and thereafter grant or deny the permit with or without conditions. The applicant may appeal the decision to the city council, which may affirm, modify or reverse the decision of the committee.
- (i) *Compliance with Laws and Regulations and Posting of the Sidewalk Permit.* The permit holder shall comply with all requirements of this section, the rules and regulations of the sidewalk permit committee, and the specific conditions of his permit.
- (j) *Display of Sidewalk Permit.* Sidewalk Permittee shall post the permit in an easily accessible place on the premises.
- (k) *Term of Sidewalk Permit and Renewal.* A permit granted herein shall expire on December 31 of the year for which it is granted. It may be renewed each year as long as all requirements of this section and the rules and regulations of the sidewalk permit committee continue to be met.
- (l) *Fee.* The fee for the first permit granted for the use of an area of the public sidewalk shall be \$200. The fee for the renewal of a permit shall be \$100. A permit may be transferred to a new permit holder if the business and the manner of use of the sidewalk remain unchanged. The permit holder shall notify the sidewalk permit committee in writing of such transfer. If the business is changed or the

manner of use of the sidewalk is changed, the new owner shall make application for a new permit, the fee for which shall be \$200.

- (m) *Sidewalk Permit May Be Revoked, Hearing and Appeal Rights.* The sidewalk permit committee may revoke any permit issued hereunder at any time if it finds the use of the sidewalk area covered by the permit has been in violation of the provisions of this section, the rules or regulations of the committee, or the specific conditions of the permit. Prior to revoking a permit, the committee shall hold a hearing and shall give at least ten (10) days notice of the hearing in writing to the permit holder. The permit holder may appeal the sidewalk permit committee's decision within ten (10) days, of the date of decision, to the city council, which shall affirm, modify or overturn/reverse the sidewalk permit committee's decision.
- (n) *City Council Action.* Any permit issued hereunder may also be revoked at any time the city council finds it is in the public interest to amend or repeal this section so as not to permit the use of the public sidewalks or any portion thereof or so as to otherwise limit the use thereof.

Cross reference— Buildings and building regulations, Ch. 22; parks and recreation, Ch. 62.

BE IT FURTHER ORDAINED pursuant to [La. R.S. 26:495](#), the governing authority of each municipality adopting ordinances pertaining to alcoholic beverages shall furnish, in each instance, a certified copy thereof to the Commissioner of Alcohol and Tobacco Control (ATC).

BE IT FURTHER ORDAINED that 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 affect without the invalid provisions, items or applications and to this end the provisions of this Ordinance are hereby declared severable.

BE IT FURTHER ORDAINED that all Ordinances or parts thereof in conflict herewith are hereby repealed.

THUS DONE AND ORDAINED by the City Council of the City of Shreveport, Louisiana.

APPROVED AS TO LEGAL FORM:

City Attorney's Office